Commentary

VOLUME NINETY-SEVEN • NUMBER THREE • MARCH 1994

The Story Behind the Handshake
Yigal Carmon

Are Parents Bad for Children?
Dana Mack

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Clint Eastwood Goes PC
Richard Grenier

Abortion: An Exchange
James Q. Wilson & Critics

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What Did the Clintons Know & When Did They Know It?

Lynn Chu

Books in Review: Carol Iannone / Ruth R. Wisse / Patrick Glynn / Daniel J. Silver / Joseph Adelson

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Letters from Readers

Abortion: Round 1

TO THE EDITOR OF COMMENTARY:

The editors kindly invited me to comment on James Q. Wilson's discussion of my recent book, *Life's Dominion: An Argument About Abortion, Euthanasia, and Individual Freedom* (Knopf, 1993), in his own article, "On Abortion" [January]. I accepted, because though Mr. Wilson agrees with some of my most important conclusions, he misunderstands their implications, and I believe his conclusions about women's right to abortion, which are largely negative, might well have been different if he had not.

He apparently accepts my claims, first, that fetuses do not have rights or interests of their own before their nervous sytems are sufficiently developed to sustain such interests (which does not occur before the third trimester of pregnancy); second, that few people, even those who oppose *Roe* v. *Wade*, believe that fetuses do have rights and interests before that time; and, third, that the abortion controversy is therefore not about how the interests of a fetus should be protected but about a different issue: whether and how the intrinsic value of human life should be respected even in the absence of such interests. These points are crucial if the United States Constitution supports, as I said it does, the principle of autonomy I described in a passage Mr. Wilson quotes:

> A state may not curtail liberty, *in order to protect an intrinsic value*, when the effect on one group of citizens would be special and grave, when the community is deeply divided about what respect for the value requires, and when people's opinions about the nature of that value reflect essentially religious convictions that are fundamental to moral personality. [Emphasis now added]

If we accept that principle, then states do not have the power to forbid abortion before the third trimester, which is what *Roe* v. *Wade* decided and the Supreme Court's most recent abortion decision, *Casey*, confirmed.

Mr. Wilson calls the principle of autonomy "astonishing." But his only arguments against it ignore the distinction between individual interests and intrinsic value that, he says, he and I agree is crucial. He argues that the autonomy principle must be wrong because governments plainly have the power to forbid the murder of unpopular minorities, or to take a stand about capital punishment, or to go to war, even though citizens may well be divided, on essentially religious grounds, about such issues. But these are all cases in which government acts out of what it takes to be the interests of individual people—of the potential victims of murderers, or of convicted criminals, or of those whom war would protect. They are *not* cases in which government acts solely "in order to protect an intrinsic value," and they are therefore not cases in which the principle of autonomy I described has any application. Indeed, I used some of the same examples in explaining why the principle would *not* incapacitate government from its normal functions: I said that the principle would not prevent government from banning human sacrifice in religious ceremony, for example.

Laws against murder normally serve both kinds of political purpose—they protect the interests of potential victims, and they also protect the intrinsic value of human life. But the two purposes are nevertheless different, and on some occasions they pull in opposite directions. A government might wish to forbid suicide or voluntary euthanasia, for example, because the majority thinks that taking life always shows contempt for life's intrinsic value, even though it concedes that suicide or euthanasia might be in the best interests of a terminally-ill patient. Then the question arises whether government should have the power to impose a controversial view on an essentially religious issue on people who reject it, even though it is not acting to protect anyone's interests. The Supreme Court considered one aspect of that question in the *Cruzan* case, when a majority of the Justices said that states must give effect to formally executed "living wills" requiring doctors to withdraw life support from patients in a persistent vege-

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MOSCOW, 1993 (REUTER)

For Jews in the former Soviet Union, the exit signs are clearly marked.

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tative state. It decided, in effect, that a state has no ultimate power to impose on everyone a majority's views about how best to respect the abstract value of human life.

If a fetus had rights and interests of its own from some early point in pregnancy, then the principle of autonomy would of course not support a right to abortion, any more than it supports a right to religious sacrifice, or the other rights to kill that Mr. Wilson wrongly imagines it entails. But he apparently agrees, as I said, that a fetus does not have such interests of its own, and it is therefore mysterious why he does not accept my conclusions about the right to abortion. Perhaps he thinks that a state *should* have the power to impose the majority's view of an essentially religious matter on everyone, even when that protects no one's interests. If so, he should have explained why.

I said something else to which Mr. Wilson objects: I said we need a better explanation of why a late-stage abortion is morally worse than an early-stage one than just the observation that a late-stage fetus bears a closer physical resemblance to a child. That physical resemblance may account for some people's visceral reactions, but most people distinguish between immediate reaction and moral reflection, and few would accept physical resemblance as in itself morally significant. Few people would be satisfied with the argument, for example, that cruelty to monkeys is worse than cruelty to pigs or dolphins because monkeys resemble humans more.

In Mr. Wilson's view, on the contrary, the constitutional law of abortion should *depend* on immediate reactions about resemblance. He says that (with exceptions for grave and special cases) abortion should be forbidden beyond the point at which most pregnant women, responding to a picture of a fetus at that stage, would classify what they saw as "a baby." (He says he would be astonished if *any* pregnant woman would not classify a fetus as a baby at least by the twelfth week, and believes that most would do so much earlier.) But it seems intolerable that an individual woman's rights should depend on the evidently subjective reactions of others in that way, or that such rights should shift as the "consensus" reaction shifts, as it assuredly would over time, because it is more likely that people's views about the morality of abortion would fix what they took to be a sufficiently close "resemblance" rather than vice versa.

Mr. Wilson's odd suggestion is a counsel of despair: he thinks a line after which abortion is impermissible must be drawn somewhere between fertilization and birth, and does not know how else to draw it. But if he had reflected on the importance of the distinction he says he accepts—between fetal interests and intrinsic value—he might have seen a morally more cogent line to draw. He might have thought that the crucial point is that at which a fetus *does* have interests of its own—the point at which, for example, it can feel pain—because after that point a state can restrict abortion out of concern for those interests, and need not rely only on contested and essentially religious convictions about how best to respect the intrinsic value of human life. Then he would have agreed, at least roughly, with the Supreme Court's decisions in *Roe* v. *Wade* and *Casey*.

He would also have appreciated the moral importance of the state's *not* imposing a collective decision before that point. He twice quotes with approval my endorsement of a "moral environment in which decisions about life and death are taken seriously and treated as matters of moral gravity." I wish he had also considered my argument that such an environment must be one of personal not collective responsibility when the decisions in question harm no one's direct interests, because without personal responsibility there can be no moral gravity but only superficial conformity or sullen sham. I doubt Mr. Wilson would approve a society that made the abortion of seriously damaged fetuses mandatory because a majority believed that allowing a painful, frustrating, and short life to begin showed contempt for life's true value. But once it is agreed that fetuses have no rights or interests of their own, requiring abortion because the majority believes that that is the best way to respect life is no worse than forbidding it for the same reason.

I should correct two other mistakes. Mr. Wilson attributes the following view to me (and apparently accepts it himself): "If [a fetus] is horribly deformed . . . then it is less human and exercises somewhat less claim on our moral respect." I disagree: a deformed fetus is fully human, and the life it embodies is entitled to the full respect we owe the life of any other human fetus at the same stage of development, even though, as I just suggested, people can and do disagree about whether that respect forbids or demands abortion.

Finally, though I do teach in both Britain and America, my American academic home is not Yale, as Mr. Wilson reported, but New York University Law School.*

RONALD DWORKIN
University College
Oxford, England

TO THE EDITOR OF COMMENTARY:

James Q. Wilson provides an original approach to dealing with abortion, but gives inexcusably short shrift to Ronald Dworkin in so doing.

He begins his article with an illustration of two separate approaches to the abortion issue: rights and morality. One of Dworkin's arguments that Mr. Wilson cites and subsequently attacks is that since the First Amendment prohibits government from interfering with the establishment of religion, and since the *moral* argument against abortion hinges on a person's own spiritual views, then the government is constitutionally bound *not* to interdict a woman's power to obtain an abortion.

Mr. Wilson attempts to demonstrate this argument absurd by means of a comparison with less ambiguous issues such as infanticide and homicide. Extrapolating Dworkin's position to what he feels is its logical conclusion, he asks, "Why do we allow the legislature to pass laws prohibiting [infanticide and homicide]?"

Mr. Wilson's criticism of Dworkin's argument is ill-founded in that he ignores his own premise: the distinction between a rights-based approach and a morality-based approach. Aside from the obvious moral aspect, murder is prohibited because it constitutes a transgression of the victim's *rights*, namely, the right to life. Dworkin's argument is coherent precisely because it is made under the assumption that the rights of the fetus are not equally inviolate. Therefore, it is not appropriate to apply Dworkin's argument to cases in which a transgression of the vic-

* Our error, not Mr. Wilson's.—EDS.

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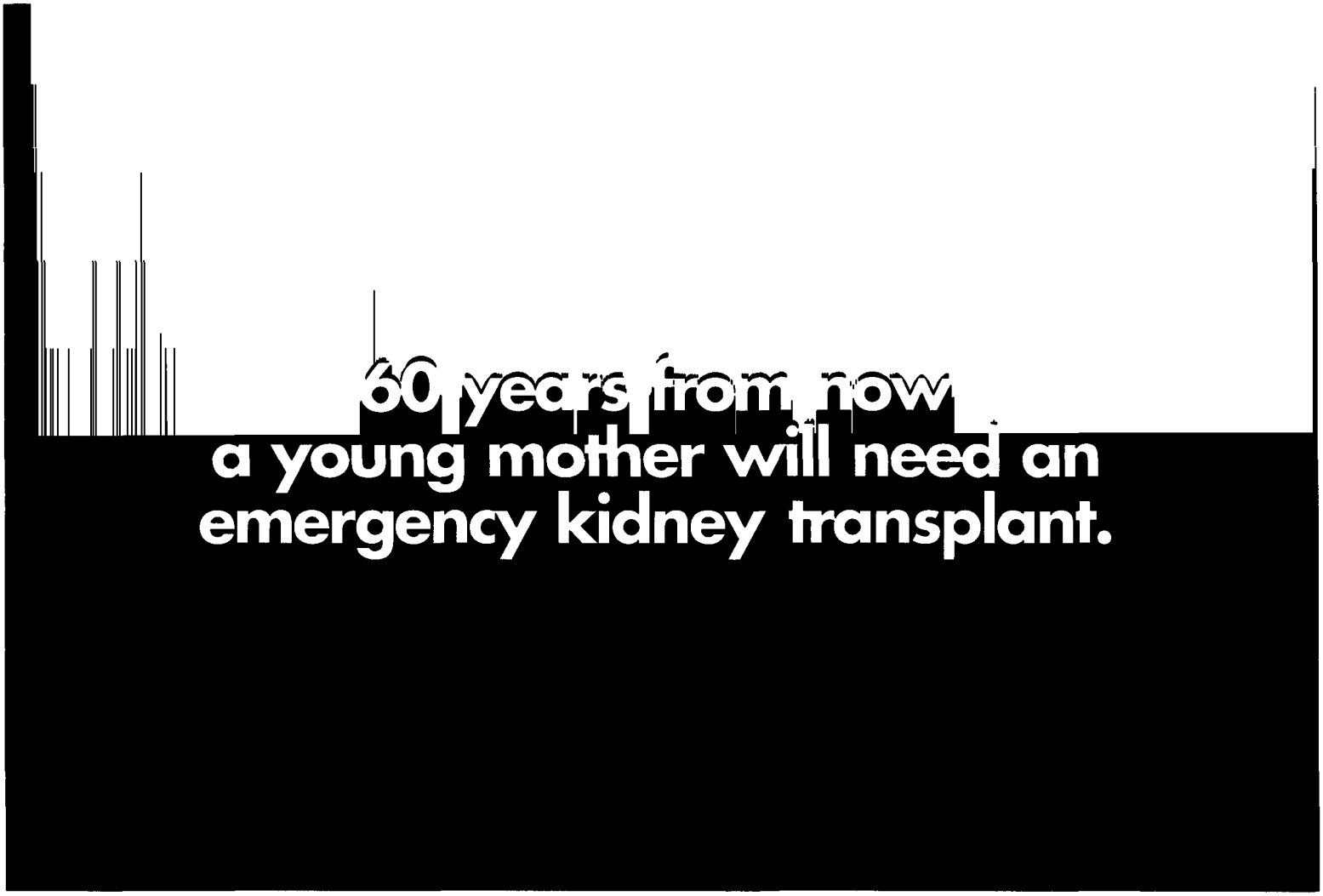

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tim's legal rights renders moot any question of moral judgment.

JONATHAN KAY
Montreal, Quebec, Canada

TO THE EDITOR OF COMMENTARY:

. . . James Q. Wilson is persuasive in his premise that the value most Americans attach to a fetus correlates with the degree in which the fetus resembles an infant. This point, however, does not require his particular conclusion.

The rhetoric of the pro-life movement clearly attempts to take full advantage of the human likeness of the fetus. . . . The typical photograph chosen for an anti-abortion billboard predictably depicts a late-term fetus that is clearly human rather than some nebulous embryo that only a doctor could distinguish from that of a dolphin. Nonetheless, Mr. Wilson shows that his purportedly new approach is just an exercise in semantics when he asserts that if his "experiment" were carried out and "there developed a consensus as to when an embryo became a baby," the law should ban abortions after that period.

Perhaps Mr. Wilson is led astray by his strange contention that a "rights-based" approach is significantly different from a "moral" approach. My *Living Webster* defines moral as: "Of or concerned with the principles of right and wrong in conduct and character; conforming to the rules of right conduct." If we recognize a woman's right to decide whether to terminate her pregnancy (or, alternatively, decide that a fetus has a superior right to life), it is because respecting an individual's rights is the right or moral thing to do.

While the language of a Supreme Court decision may be sterile, the principles behind the test for "undue burden" are not amoral. Mr. Wilson's disagreement with the Court's construction of a right to privacy does not mean that the right does not have a moral basis. Would he also contend that the rights to life, liberty, and the pursuit of happiness are not at heart a moral blueprint for the respect of the individual?

Even under a liberal interpretation, Mr. Wilson's proposal would allow the state to use its coercive power to "persuade" a woman to carry her baby to term. At the extreme, the government could prohibit abortion past the point where it determined most people felt a fetus was sufficiently infant-like. Mr. Wilson's framing of the issue really does not change the argument of those who would make abortion illegal, nor will it satisfy those who believe that a woman is in the best position to choose between abortion and birth. He merely replaces viability with human appearance as the place to draw the line where the state can act to protect the fetus. Rather than *when*, the crucial question still remains *who* should make the choice—the woman or the state?

CHRISTOPHER M. SCHNAUBELT
San Luis Obispo, California

TO THE EDITOR OF COMMENTARY:

. . . "People treat as human that which appears to be human," James Q. Wilson declares. (Did Jews appear human to the Nazis? Do criminals see their victims as human—and does it matter?) A "visual encounter" with "what appears to be 'a baby'" would, he believes, lead a pregnant girl "to make a fully informed moral decision." *Fully*: an instant morality pill.

Mr. Wilson reasons: at eight weeks, a fetus looks "like a baby"; *I* could not kill a baby; therefore, a pregnant fifteen-year-old will feel as I do. Sitting in a comfortable chair as he writes, he does not feel or reason hard enough.

An eight-week-old fetus does not look at all like a baby to me, but like a strange little monster from inner space. My mother kept one, which had miscarried, and we four children saw it floating upright in a bottle every time we opened the medicine cupboard. Perhaps familiarity made it lose the emotional force Mr. Wilson clearly seeks. . . .

I conjecture that thoughts other than what her invisible fetus does or does not look like press more strongly upon the mind of a distraught pregnant girl. Desperate mothers have killed or abandoned live babies, let alone aborted fetuses, and moralists with unwavering principles can help to make them desperate.

A pregnant girl does not usually kill a fetus: a doctor or nurse does and they constantly see, not pictures but the real tiny thing. Would not the decision be more truly informed if the girl had to do the killing? Sufficiently troubled, she might kill both the fetus and herself.

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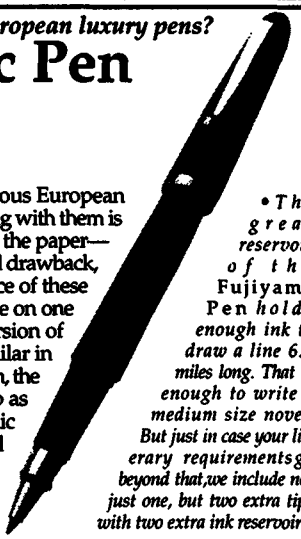

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What moral purpose is served by making the painful decision of abortion more painful for girls and women? Does Mr. Wilson want the execution of full-grown men viewed by those who favor capital punishment? . . . Should a video of painful childbirth be shown to women contemplating sex? . . .

Writing of a fetus as a baby is moral propaganda. Propaganda is a type of warfare, not analysis, and warfare is a nasty business. Someone may suggest that Mr. Wilson look at nasty pictures: of diseased babies, of prostitutes with babies, of adolescent corpses riddled with the life he would give them. He should return to his usually trenchant analysis of facts and leave the propaganda and fighting to the combatants outside abortion clinics.

HAROLD ORLANS
Bethesda, Maryland

TO THE EDITOR OF COMMENTARY:

• Views related to abortion rights or prohibitions are clouded by differing religious views.

• We should never attempt to cause or allow our religious views to prevail in decisions made by others who may not share these views.

• The government should not overregulate people's lives. . . .

• A woman should have at least as much control over decisions affecting her own body and destiny as some legislator.

• In the view of many people, life begins at birth, or possibly when a fetus could live independently of the womb.

If one can accept the above premises, then abortion becomes a matter of choice by the persons involved. Neither theologians, politicians, zealots, moralists, nor others not involved in the particular situation should burden themselves by determining what is required by other persons.

Unfortunately, we have a bunch of fanatic moralists clouding our collective logic. These moralists are concerned about the sanctity of human life from conception to birth. They are causing a pattern of unwanted children being born in this country, as often as not into single-parent homes where the children have a much lower chance of leading a normal life free of poverty or crime. These moralists have little interest in who supports these children or what future they will have. . . .

Why don't we get the government out of people's innermost personal lives and simply allow abortions as a matter of choice to those who want abortion without hindrance by others? We need to move on to many other more important issues in our society such as education, crime, and job opportunities.

If James Q. Wilson does not want to have an abortion, tell him he does not have to have one.

SHELDON RABINOWITZ
Des Moines, Iowa

TO THE EDITOR OF COMMENTARY:

. . . James Q. Wilson . . . fails to consider many important issues which have a bearing on abortion, some of which are:

• What if the fetus or one or both parents have AIDS?

• What if the child will be deformed?

• What if the child will be born into a poor family that already has too many children to support?

• What if the child will be born to a single young teenager?

• What if baptism is or is not applicable?

On a broader scale, why isn't thought being given to the population explosion and its relationship to natural resources? Also, why do we give so much attention to the unborn fetus and so little attention to the tens of thousands of men, women, and children who are dying each day of starvation? Is the fetus more important than the adult or the child?

ARTHUR H. BIENENSTOCK
New York City

TO THE EDITOR OF COMMENTARY:

In his article, James Q. Wilson proposes a better way for women to make the crucial moral decision whether or not to have an abortion. He suggests that the more a woman knows about the development of the life she is carrying by seeing pictures of the child, the more informed will be her decision and, therefore, the more morally responsible. The more the fetus looks like a baby, the more likely will be the mother to choose life rather than abortion. This would undoubtedly be an improvement over current practice, but it does not adequately address the

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moral issue Mr. Wilson recognizes.

Whether a fetus is a human entitled to moral respect can hardly be decided on the basis of its appearance. The human embryo contains 23 chromosomes from the mother and 23 from the father. At conception, about eight hours after the sperm penetrates the egg, a unique individual comes into existence with 46 chromosomes that will control his or her development and characteristics from then through all the stages of life to death. The fact that the embryo does not *look* like a baby does not decide the morality of killing it.

One of Mr. Wilson's own analogies makes the point clear. He notes that we often decide what constitutes a human by appearances:

> An elderly man who has been a devoted husband and father but who now lies comatose in a vegetative state barely seems to be alive, . . . yet we experience great moral anguish in deciding whether to withdraw his life support. . . .

But suppose the doctor told us that in eight months the man would recover, be fully human, and live a normal life as a unique individual. Is it even conceivable that we would remove his life-support system on the ground that his existence, like that of the fetus, is highly inconvenient to us and that he does not look human at the moment? There would be no moral anguish but a certainty that such an act would be a grave moral wrong. It is difficult to see that this imagined case is different from the abortion decision.

Mr. Wilson's claim that appearance makes the fetus human is a form of developmental hominization, the idea that the fetus becomes human at a point in its development and not from the moment of conception. He claims an eight-week-old fetus with human appearance arouses moral sentiment whereas a zygote does not. In resting his argument for humanity on the basis of feelings instead of on scientific and moral truth, he is not on firm footing. Morality based on feelings lacks the component of truth. Without that, moral ambiguity soon sets in.

Nor does the attempt to equate the life in unjoined sperm and egg with the life in the embryo avoid the problem. Mr. Wilson says: "Conception does not summon forth life where none existed before; it permits life to begin developing toward its infant form." But a zygote is different from the sperm and the egg—it is an individual which has all the potential for what will be a human infant in nine months. If the eight-week-old fetus is human, it was human at the beginning. That being the case, Mr. Wilson's identification of the zygote with the life of the sperm and the egg should lead him to question contraception. If he does not wish to, he should admit the distinction between separated egg and sperm and zygote.

Mr. Wilson shies away from drawing a bright line at "the moment of conception," quoting St. Thomas Aquinas who argued for the moment of quickening at about eight weeks. Dr. Diane Irving has shown, however, that St. Thomas's position is based on the inadequacies of 13th-century biology and that his whole philosophy supports the notion of a complete human being present at the moment of conception. . . . St. Thomas's mentor, St. Albert the Great, who accepted "human from conception," argued this point with him at great length.

The use of pictures to help women make a decision in favor of life is a powerful and effective tool. Perhaps that is why abortionists as a rule do not show women sonograms. The child they see within them makes claims on their hearts by its human appearance, but the humanity was there at the moment of conception.

MARY ELLEN BORK
Board, Catholic Campaign for America
Washington, D.C.

TO THE EDITOR OF COMMENTARY:

I welcome James Q. Wilson's endeavor to discuss abortion as a moral question without the encumbrance of "rights talk." His insistence that we create a moral environment in which decisions about life and death are taken seriously and treated as matters of moral gravity deserves high praise. I also agree that the question of whether the fetus is a person is an irrelevant side issue. Even if the fetus is seen as not being a person, this does not provide license to kill it. Our household pets are nonpersons, yet we do not approve of destroying them for the sake of personal convenience. Conversely, even if the fetus is regarded as a person, this fact does not solve the problem of whether an abortion is morally justified. Most moralists accept the legitimacy of taking the life of a person in certain special situations such as self-defense or in a just war.

I find myself dissatisfied, however, with the way Mr. Wilson seeks to tackle the moral dilemma of abortion. . . . I do not share his optimism about the impact on pregnant women of visual displays of the fetus, but even if he were to be proven right, I do not see how the procedure he suggests would halt the epidemic of abortions in our society. About 50 percent of all legal abortions in this country take place before the end of nine weeks of gestation. Most of the women wanting an abortion at this early stage of fetal development, according to Mr. Wilson's own estimate, will not see enough resemblance between their fetus and a live infant to be deterred from having an abortion. Any program that cuts down the number of abortions is to be welcomed, but can we be happy with a solution to this grave problem that leaves us with about 700,000 abortions a year?

Mr. Wilson's proposal assigns far too much moral significance to the way a fetus appears to a woman seeking an abortion. Yes, after about eight or nine weeks in a pregnancy we are dealing with an entity that indeed looks like a child—"precious, innocent, vulnerable." At a certain point in a pregnancy abortion begins to resemble infanticide. But should our moral concern be circumscribed by such a visual experience? If human life is precious, why draw an arbitrary line at eight or nine weeks of fetal development? We fault parents who treat their child like a pet—feed it but do not teach it to speak, or fail to attend to its other social needs. Such parents do wrong because they frustrate a human being's potential. In the same way, I submit, we should censure those who prevent a fetus—whether after or before reaching the age of nine weeks—from attaining its full potentiality. Taking the life of such a potential person, like all killing, should be countenanced only for the most exceptional reasons.

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of birds, but it has no meaningful protection for unborn human life. We have made great strides in guarding the interests of formerly underprivileged groups such as the aged, handicapped, and mentally retarded. Yet the fate of the unborn is still at the mercy of those who are more powerful. Mr. Wilson's well-meaning proposal for dealing with the tragedy of abortion in America stops woefully short of what is morally desirable, and indeed necessary.

GUENTER LEWY
Washington, D.C.

TO THE EDITOR OF COMMENTARY:

James Q. Wilson does all of us a service by elegantly pressing a theory of moral sentiments about as far as it can go in making the argument against America's present legal regime of abortion on demand; COMMENTARY also deserves great credit for bringing so carefully crafted an argument, on such a deeply troubling issue, to the public debate. Kudos, too, to Mr. Wilson for his convincing demolition of Ronald Dworkin's bizarre argument that anything other than abortion on demand in America would constitute an infringement of the First Amendment's guarantee of freedom of religion.

Moreover, I believe it would be a real step forward if the states were to adopt (the federal judiciary permitting) the kind of regulations on abortion practice that Mr. Wilson proposes. Indeed, there is considerable evidence to suggest that informed-consent statutes, combined with the availability of alternatives to abortion, reduce the incidence of abortion as a means of ex-post-facto birth control: a practice that polling data reveal to be morally repugnant to the majority of the American people.

On the other hand, there are dangers lurking in any theory of morality based on our moral sentiments, dangers which have to do with the temptation to avoid or obscure the essential *truth* of the moral issue in question. I hope that none of us would be satisfied, today, if, on another issue of great moral contestation in our history—namely, the question of the legal status of Americans of African descent—the issue had been resolved at the level of moral sentiments: at the level of how we feel about things. For we know that some people felt (and felt deeply) that Americans of African descent were not to be considered persons under the meaning of the Constitution's protections of the rights of persons.

Nor should we seek refuge from the truth of the matter in the complexities of modern biological science. To be sure, there are certainly biomedical complexities involved in conception, implantation, and gestation. But we also have pregnancy tests (the normal prelude to so-called "contraceptive" abortions), and when one of those tests tells us that a woman is pregnant, we are surely not to be permitted to say, well, she's not *really* pregnant, are we?

Further, and at the risk of sounding harsh toward a scholar whose work I have long admired, I must confess that I find Mr. Wilson's "doubt" about the possibility of drawing a "sharp line" on what is and is not a human life rather obscurantist. The truth of the matter here is not all that hard to grasp. It would be unreasonable to argue that a fetus is not *life*. And because that fetus possesses a distinctive, indeed unique, genetic program, it is *a* life. And, finally, there can be no reasonable suggestion that this fetus is not a *human* life. Barring the natural catastrophe of miscarriage, or the lethal attack of abortion, the fetus is not going to turn out to be a golden retriever.

The real issue in the abortion controversy is not, never has been, and never will be whether the fetus is "a human life." The issue is, what do we, as a society, owe that indisputably human life? Put the other way around, the issue is, what rights does that indisputably human life possess? That is the public-moral issue and the public-policy issue; and it is an issue that cuts to the heart of the American promise of liberty and justice for all. But if the courts would, once again, permit the American people to deliberate on this question democratically, I think that Mr. Wilson, and the rest of us, would find that there are tens of millions of Americans who understand the truth of the matter on this issue of abortion; who recognize the moral obligations that any just society has toward unborn human life; and who are willing to reorder our laws accordingly.

[CONGRESSMAN] HENRY J. HYDE
House of Representatives
Washington, D.C.

TO THE EDITOR OF COMMENTARY:

James Q. Wilson places abortion exactly where it belongs: as a moral question that admits of different answers in different circumstances. He wisely observes that "Our inability to draw a line should no more disable us from making moral judgments about a fetus than it prevents us from making such judgments about children or adults."

There is a Jewish perspective on life, eloquently expressed by Rabbi Abraham Joshua Heschel, that avoids line-drawing. To Heschel, "Something sacred is at stake in every event." Recognition of this sacredness Heschel calls awe. "Awe," he says,

> enables us to perceive in the world intimations of the divine. The awe that we sense or ought to sense when standing in the presence of a human being is a moment of intuition for the likeness of God which is concealed in [the human] essence.

Is there any event more likely to engender awe than that of the creation of another human being? Is there any experience more intuitively sacred than conception?

Although traditional Judaism sees the fetus only as potential life, in contrast to the full life of its mother, during its entire nine months the fetus contains the sacredness of the Creator. In the event that the fetus threatens the life of the mother, it must be aborted. But once the head appears outside the mother, mother and child are equally important lives.

The question then is not, when does life begin?, but whether there is some critical need to preserve the life of the mother that requires ending the potential life of the fetus.

While what it means to preserve the life of the mother may be subject to broader and narrower definitions within Judaism, the decision to abort should be made with awe, with consciousness of the sacred event of conception. (This does not address the question of what governments should do or how they should decide.)

Twenty years ago no one spoke to me of awe and sacredness, no one showed me the photographs that Mr. Wilson saw of a developing fetus, so I was left to decide that the four children we had planned and given life to were enough and the fifth was dispens-

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able. I will never again have the opportunity to make this decision, but if I did, I would struggle harder today—realizing that the decision is moral, not pragmatic.

SUZANNE F. SINGER
Moment
Washington, D.C.

TO THE EDITOR OF COMMENTARY:

The abortion debate cannot proceed from arguments about rights and laws, [but] . . . from arguments about rights and wrongs. James Q. Wilson has reminded us of this central truth in his fine essay. If a woman has a right to an abortion, it means that a fetus does not have a right to be protected from being aborted. Both the woman's rights and the fetus's lack of rights require moral arguments to sustain them.

Mr. Wilson is correct in observing that most of the moral arguments seeking to deprive fetuses of a right to protection center on "the point in the development of the fertilized ovum when it has acquired those characteristics that entitle it to moral respect." However, Mr. Wilson goes on to reject the notion that there is any morally significant point in fetal development. Rather, he sees fetal development as a continuum. He proposes a kind of visually grounded moral intuitionism in which we are asked to trust that once pregnant women see pictures of fetuses at various stages of growth, they will accept and identify one particular stage as morally significant. . . . This intriguing suggestion reminds us that the invisibility of the fetus often unnaturally and unfairly skews the abortion debate against the fetus. But the problem with Mr. Wilson's proposal is that, first, it is not an argument but a supposition: that women who see pictures will in fact see the fetus as morally significant. Perhaps so; I tend to agree. But from a man who wants moral arguments, we have instead a photo-sociological argument. If women who see pictures of fetuses do not have such moral breakthroughs, should we conclude that the fetus is, by this sociological fact alone, not entitled to protection? Mr. Wilson sees this flaw in Ronald Dworkin, but not in himself. . . .

Is there any way out of this search for the magical moment when the fetus crosses the line into the community of morally significant beings entitled to protection? I think so, and I think it comes from the Jewish legal tradition on abortion.

Jewish legal teachings on abortion . . . make it clear that if the life or health of the mother is at risk, abortion is not only permitted but required. Absent such risk, abortion is proscribed. . . .

What is most interesting about Jewish teachings on abortion, and what is most important to the general abortion debate, is the way these conclusions are reached. Maimonides has given the most coherent account of these reasons (though his treatment is at odds in some respects with certain talmudic statements). Judaism did not come to its position on abortion as a result of arguments about fetal personhood. Some Jewish laws clearly indicate that the fetus is not a person, other laws clearly treat the fetus as if it is a person. The Jewish position on abortion is based, rather, on the nature of the fetal threat. If the fetus poses a real threat to the life or health of the mother, it must be killed to remove the threat. If, on the other hand, the fetus poses no threat to the life or health of the mother, it is innocent and cannot be killed. . . .

Maimonides taught that a fetus which threatens the life of the mother is like a pursuer (Hebrew: *rodef*) and like all pursuers, it must be stopped from committing its unjustifiable assault on another innocent human being. . . . Judaism thus considers abortion (therapeutic abortion) to be simply another form of self-defense. A woman's rights are not relevant. Fetal personhood is not relevant. Our reactions to fetal development are not relevant. For Judaism the only question that is relevant about the fetus is the only question which ought to be relevant in the abortion debate: is the fetus innocent? If the answer is yes, abortion is morally wrong. If the answer is no, abortion is morally required. The truth of abortion is that sometimes the answer is yes and sometimes the answer is no.

Of course, the self-defense claim does not end the abortion debate. It provokes a lively debate about what constitutes a morally significant threat to the life or health of the mother. Some will be more lenient and others more re-

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served in their conclusions on this point, but the notion put forth by some Jewish thinkers that any unwanted pregnancy is *eo ipso* a threat to the life or health of the mother is patently absurd. . . .

The Jewish legal tradition on abortion, particularly Maimonides' codification of this tradition, reminds us of what we already know in the best part of our souls: though we are morally entitled to kill things that threaten our lives, we are morally required to respect things that do not. We all know (though we are often loath to admit it) that there is nothing we can say and nothing we can do to build a morally convincing case for the killing of an innocent living being. We all know deeply that no life ought to be forfeit just because it is an inconvenient, unexpected, or unwanted intrusion into our calm and ordered lives. We do nothing to heal this wounded world by wounding others for the sake of mere privacy.

[Rabbi] Marc Gellman
Dix Hills, New York

To the Editor of Commentary:

When I began reading James Q. Wilson's article, I thought I had finally come across a secular conservative I would like to see represent the pro-life position on TV talk and discussion shows. Pro-life spokesmen on *Donahue* and other shows are generally fundamentalist Christian clergymen who quote the Bible and give nonreligious viewers the impression that the anti-abortion position is held solely by religious zealots and that the issue of abortion is a right-wing religious concern unrelated to morality.

As I read on, however, it became apparent that Mr. Wilson would not fit the bill. His withholding of "moral respect" for a fetus until it resembles a human . . . reminded me of a TV show on abortion I had seen many years ago. The feminist hostess showed, side by side, photographs of human and pig fetuses during the early stages of gestation and pleasantly pointed out that they could not be told apart in the first few weeks. Her point was clear: don't feel guilty if you abort; pretend it's a piglet. . . .

Mr. Wilson accepts the feminist/libertarian "blob" concept: what is not recognizable as a human form does not have to be granted moral consideration, responsibility, and compassion. . . .

Anyone with common sense from a high-school dropout to a college professor knows for a certainty that a human baby is gestating in a woman's womb from conception, whether it is called a fetus, a blob, or a piece of tissue, and the first trimester poses the greatest threat to its life. It is a sad commentary on the moral decay in our society when a baby's most serious obstacle to continued growth and life may be its pro-choice mother, legally and socially backed by our ascendant feminist/libertarian culture.

Charles R. Ewy
Cockeysville, Maryland

To the Editor of Commentary:

James Q. Wilson's clear and precise discussion of the abortion controversy is in sharp contrast to the abuse and misuse of language engaged in by both sides of the abortion debate; . . . but certainly, pro-abortionists have been especially guilty of brutalizing language to cover up the fact that abortion is the killing of innocent unborn babies.

One glaring example of how pro-abortionists manipulate and misuse language is when they argue, "We simply do not know when human life begins." Philosophers, theologians, and legal scholars, they point out, disagree on the answer to that question. But the question of when human life begins is not a theological or philosophical or legal question; rather, it is a medical/scientific question, and medical and scientific people generally agree that human life begins at conception. For example, Dr. Eugene Diamond, past chairman of the pediatrics department at Loyola University Medical School (Illinois), observes: "We no longer need to belabor the question of when human life begins; it begins incontrovertibly at the union of sperm and ovum. Surely the recent in-vitro fertilization experiments have proved this beyond a doubt." And Dr. Jerome Lejeune, the eminent European geneticist, declares: . . . "The fetus is a human being. Genetically, he is complete."

The popular pro-abortion argument that the fetus is simply a part of the mother's body also is refuted by scientific evidence which demonstrates that the cells of an unborn baby possess a genetic code different from those of the mother's body. Thus the fetus is a separate and distinct human being from the moment of conception.

Haven Bradford Gow
Arlington Heights, Illinois

To the Editor of Commentary:

James Q. Wilson deserves great credit for exposing fuzzy thinking on the issue of abortion and for his effort to narrow the gap between those who would outlaw abortion and those who support *Roe* v. *Wade*.

Mr. Wilson proposes the following experiment: there would be arrayed on the walls of a room, in chronological order, exact color photographs of the human embryo from first fertilization until the day before normal delivery. . . . "A variety of people, but perhaps especially women," would be asked to examine the photographs and tell in which one, or in which small sequence of photographs, they "first see what appears to be 'a baby.'" Mr. Wilson speculates that most people would choose photographs of fetuses at seven to nine weeks of development. . . .

If his experiment were carried out and resulted in "a consensus as to when an embryo became a baby," he envisages that it would afford a basis for the U.S. Supreme Court to overrule *Roe* (whose rationale he implicitly rejects) and ban abortions after the end of the pre-babyhood period identified by such consensus. . . .

Unfortunately, the experiment that Mr. Wilson proposes is unworkable. How will an organization to administer it be chosen? Will the organization's impartiality be beyond question? Can 266 photographs fairly representing the daily progression in embryonic development be agreed upon? All these questions must be answered to the satisfaction of the general public if the experiment is to have any chance of success.

As for the experiment itself, how will the "variety of people" who are to participate be chosen and how many people will be deemed sufficient? How will there be assurance that the people chosen are fairly representative of the public at large? The answers to these questions are likely to leave many people unsatisfied.

Finally, there is the problem of the objectivity of the persons chosen to express their opinions as to when the embryo (fetus) has achieved babylike status. Commit-

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ted right-to-lifers can be expected to detect a baby at a very early stage of embryonic development, perhaps as early as the fourth week. By the same token, believers in minimal restrictions on abortion can be expected not to see a baby until long after conception, perhaps as late as the 24th week. Given the biases of persons with strong preconceptions concerning the propriety or impropriety of abortion, it is almost inconceivable that there would be a consensus (let us say, at least 80 percent) agreeing on a two- or three-week period as the time when the fetus appears to be babylike.

Apart from his proposal, Mr. Wilson . . . favors having women considering an abortion shown the photographs to be used in his experiment, or a similar series of photographs. . . . It is unclear whether he thinks that such viewing should be made mandatory by law. Whatever he has in mind, however, it is almost inconceivable that a law mandating such viewing would successfully withstand judicial scrutiny.

Notwithstanding the fact that he is unsuccessful in offering answers to the controversy surrounding abortion, Mr. Wilson performs a public service in correctly identifying abortion as a moral issue rather than a religious or public-policy issue.

BARTON P. JENKS III
Charlestown, Rhode Island

TO THE EDITOR OF COMMENTARY:

. . . I think James Q. Wilson's suggestion in his interesting and thought-provoking article (. . . legally imposing an understanding of fetal development on abortion-seeking women) has significant social and political merit. If there is to be any curtailing of the rampant abortion-on-demand psyche of this nation, . . . it must come a step at a time and must seek to change hearts. . . . But Mr. Wilson spends no small part of the article discussing the logical fallacies of the courts' and others' views on the subject, while at the same time arguing for his suggestion based on feelings and appeals to emotions. In fact, he seems to be suggesting strongly that our principles regarding human life can be rooted in our instinct and emotions. . . . Does he realize that, just as he chides Ronald Dworkin for a rights-oriented view on abortion (and rightly so), Dworkin would be as justified in chiding him for an emotion-oriented view? Both views are subjective, based on whose view of "rights" or whose "feelings" are used. . . .

Mr. Wilson's thesis that we can define the point in a pregnancy after which life is clearly human in form (approximately eight weeks), and that "only . . . grave circumstances would lead to abortions much beyond [such a point]," is logically hypocritical when juxtaposed to his apparent abhorrence for late-term abortions: just as life worth protecting at day 266 is worth protecting at day 265, so life worth protecting at day 57 is also worth protecting at day 56, [and] . . . at day one.

Mr. Wilson trivializes the concept of protecting life at day one by arguing that, since many fertilized embryos never implant and are then lost, by not protecting life at day one we are no worse than nature itself. He erroneously suggests that, to be morally consistent, a society which values life as human at day one must necessarily endeavor to cause more embryos to be implanted. By making such a statement, Mr. Wilson is subliminally changing the question. The question of abortion in purely physiological or "natural" terms is whether interfering with nature by purposely causing an abortion is right. The quantity and timing of natural abortions are irrelevant—the discussion is about an action humans cause and can control directly, not about what nature does on its own. It is not inconsistent to argue against abortion and also argue for letting nature take its own course.

I would further suggest that Mr. Wilson's . . . lost-embryo argument appears to be a new version of the viability argument. Arguing in this manner, we could say that since a nontrivial number of natural miscarriages occurs after six to eight weeks, we would be no worse than nature if we were to cause an abortion at six to eight weeks. Only when we arrive at a point in pregnancy where a natural miscarriage becomes a life we can actually save outside the womb (say at 24 weeks), would we then be able to restrict abortion.

In summary, I wholeheartedly endorse Mr. Wilson's suggestion of appealing to the human heart in order to bring an end to the abortion-on-demand promise in this country . . . , but when viewed objectively, his proposal is also full of moral and logical inconsistencies. Mr. Wilson thereby clarifies (accidently) that formulating a politically and socially acceptable abortion policy in this nation may never be consistent with objective moral and logically-reasoned principles.

Finally, I cannot imagine that God, the Author of life, is not deeply angered at our continued arrogance and lack of respect for His creation in the womb, no matter what the day.

ERLEND OLSON
Pasadena, California

TO THE EDITOR OF COMMENTARY:

Through use of the term "morality," James Q. Wilson has identified what is wrong with our age, and the threats to it. Democracy, our way of life, has existed on the tightrope of the equation between rights and responsibilities. Constitutionally, this may be seen in the tug between the rights of the accused and the necessity for public order. . . . In our social policy, we have seen the iniquitous results of group favoritism, without any requirement of compensating responsibility, and we have seen as well the resentments which this situation has engendered.

Now Mr. Wilson . . . has brought this conflict front and center. Since *Roe* v. *Wade*, the issue of who may live and who may not has been seen as the enhancement of "rights" for those bearing another life, regardless of the stage of fetal development. The question of how the "rights" of those bearing another life came to predominate over the responsibility of the life-bearer is a microcosm of the evils of our age. . . .

Abortion constitutes the termination of biological life. . . . This right carries with it the apotheosis of tyranny. . . . As Mr. Wilson makes clear, the live fetus gets forgotten in the inconvenience to the bearer of life, regardless of how the fetus was created. It *is* a woman's burden to carry this responsibility, though she may divest herself of it by various means. . . . But in an age where almost any inconvenience is seen as a violation, the inconvenience involved, and the dilemmas posed by this responsibility, are deemed to violate a woman's rights. . . .

The question that Mr. Wilson is raising in microcosm strikes at the heart of how we shall live. Rights

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have developed, goiter-like, at the expense of responsibilities to the point that existence depends upon convenience. Is that all that life is worth?

FREDERIC WILE

New York City

TO THE EDITOR OF COMMENTARY:

James Q. Wilson's moral approach to the problem of abortion is a wisely balanced one: like our Founding Fathers, he concentrates on the civil realm. . . . This balance leads him to emphasize a middle position between a view of any abortion as murder and one which sees it as a basically trivial act, of no (moral) interest to society and the state. . . .

Also, he balances between opposites by recommending that the tempering laws (delays, consultations) be worked out by legislatures and not by the one-sided procedures of judicial activism led by the likes of Harry Blackmun. . . .

Our Founding Fathers gave us a Supreme Court which was intended to meditate and mediate. It is situated, so to speak, at a nodal point between the vertical of the executive and the horizontal of the legislative. It should have nothing to do (except in a dispute about founding legality) with the active working out, in the various state legislatures, of negotiations among varying local groups, of differing (e.g., religious) persuasions, as they come to reasonable positions more or less like Mr. Wilson's.

Failing this moderation, we will have ongoing strife between fervent partisans rending the civil order. . . . Wilsonian wisdom seems clearly the better course.

ROBERT GREER COHN

Stanford University
Stanford, California

TO THE EDITOR OF COMMENTARY:

James Q. Wilson's incisive article is one more example of why I find myself turning to COMMENTARY month after month to find my moral bearings in a world that increasingly seems to have lost them. I would add only one point: that the failure to think about abortion as first of all a moral (and not a medical or legal) issue is rooted in the same moral failings that have made life in society so hellish in recent times. I do not know if I could ever establish this in a court of law or before a panel of Aristotelian syllogists, but I have long been of the opinion that our

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Is the peace with Egypt an encouraging example for Israel?

In the on-again/off-again Mid-East Peace negotiations the Arabs expect that, in exchange for peace, the territories that they consider to be "occupied" by Israel be restored to them, specifically, the so-called "West Bank", Gaza, and the Golan Heights.

What are the facts?

Peace with Egypt is the coldest possible. For its agreement to make true peace with Israel, Egypt received the huge Sinai Peninsula in which Israel had invested over $10 billion. It had created flourishing cities, some of the most advanced military and naval installations in the world, and had developed oil fields that would have made it energy independent for the foreseeable future. Without firing a shot, Egypt received all of this, plus generous grants from the United States—$40 billion to date. What Egypt gave in return was a piece of paper. And even that was hedged. It would allow Egypt to join in an "Arab War" against Israel. The peace between Israel and Egypt, which the Israelis had envisioned to be like the peace between Germany and France, turned out, unfortunately, to be the "coldest peace" possible. It is, less of a peace than a de facto state of non-belligerence. The Israeli ambassador in Cairo is isolated and blacklisted and does not participate in any official functions of the Egyptian government. There is practically no trade between the two countries and no cultural exchange. The public sector of Egypt, which constitutes 80% of the total economy is forbidden to do business with Israel. Private enterprises are actively discouraged and often threatened when they try to become engaged with Israeli firms. Israeli firms are barred form submitting tenders for local projects. For "security reasons" Israeli firms are not allowed to participate in trade fairs. Although quite a few Israelis visit Egypt, hardly any Egyptians go to Israel since those who do wish to visit are summoned to the security police for lengthy interrogation.

Not forthcoming on diplomatic front. Many Israelis have been killed in Egypt or on the Egyptian border. The Egyptian media, including the official and semi-official press, are full of anti-Israel and anti-Jewish venom, preaching hatred and prejudice. There have been numerous instances of "crazed" Egyptian soldiers shooting up Israeli buses traveling along the border highways, to the general applause of the state-controlled media. On the diplomatic front, the Egyptians aren't any more forthcoming. Egypt spearheaded the campaign to keeping the "Zionism is racism" resolution in the U.N., contrary to U.S. wishes. Egypt exerts much effort to prevent African countries from establishing or renewing diplomatic relations with Israel. Egyptian diplomats, including Butros-Butros Ghali, now secretary general of the United Nations, lobbied fervently against the loan guarantees that Israel needed to absorb and to settle the hundreds of thousands of Jewish refugees who have already arrived or will still arrive form the former Soviet Union.

"Israel's present government must be commended for proceeding with the greatest caution in the current peace negotiations."

The saving grace for Israel in its very cold peace with Egypt is that the Sinai is very large, and serves as a buffer zone. But in the Golan Heights, which the Syrians wish to have returned in exchange for "peace", and the "West Bank" and Gaza, which the Palestinians whish to have given to them as a "reward" for stopping the "intifada", there is no room at all for buffer zones. Although autonomy for the native Arab population is definitely an Israeli policy goal and a commitment under the Camp David Accords, the "West Bank" and Gaza and the Golan cannot possibly be surrendered to another sovereignty for any foreseeable future. It would make Israel totally indefensible. If the peace with Egypt is an example of what peace with Syria or with the Palestinians would look like, Israel's present government must be commended for proceeding with the greatest caution in the current negotiations and not to entrust its survival to empty promises. Only when the Arabs truly accept Israel as part of the Middle East should any further "land for peace" adjustments be considered.

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epidemic of violence is rooted in the same moral climate that made *Roe* v. *Wade* possible.

I first came to this conviction when, as a university professor, I would raise some issue of right and wrong, and the students would invariably reply: "Well, it's that person's choice." "Yes," I would say, "that's the whole point; but *given* that it is someone's choice, *which* is the right choice?" Their faces would then go blank, and I knew I had encountered a new low point in ethical analysis.

I link this (quite pervasive) attitude with violence because the same "logic" is at work in our culture of violence. Last year, at New York University, that great cultural beacon of light, the rapper Ice-T (he of "Cop Killer" fame) came to lecture at the Student Union. The meeting was well-attended and raucous, of course, but most telling of all was the editorial that appeared the next day in the student newspaper, the most glaring paragraphs of which bear quoting in full:

> Ice-T's greatest contribution, however, cannot be numbered in album sales, platinum records, or concert attendance. What Ice-T has done is open up the doors for other musical artists to pass through. In 1993, topics such as sex, drugs, and murder are being discussed in lyrics that would never have even been thought of five years ago. Ice-T, along with the defunct NWA [Niggas With Attitude] and Public Enemy, are all in part responsible for every message-oriented rap song that hits the market today.
>
> That is progress.
>
> You may not agree with everything that Ice-T has to say, but he has certainly brought it all to the table to be openly discussed. What people fail to understand about Ice-T is that the power of interpretation is in our hands, not his. If you want to go out and commit a crime, that is your prerogative [!]. He has presented the choices for you, and it is up to only you [*sic*] to decide what is right and wrong.
>
> Sweeping issues under the rug does not help anyone. What's more, Ice-T is informing the public and making people think [as demonstrated, I suppose, by this editorial]. And that is the most important of all. [*Washington Square News*, February 18, 1993]

EDWARD T. OAKES, S.J.
New York City

TO THE EDITOR OF COMMENTARY:

I applaud James Q. Wilson's insistence that abortion is a moral question. That such an insistence requires defense is a sad commentary on the state of contemporary debate on this matter. I recall a case from the 1970's (I was then in Massachusetts), involving a doctor who had performed an abortion on a 22- to 24-week-pregnant young woman. If memory serves, the infant boy had been born alive, in terrible distress, and had been "permitted" to die. This upset a nurse, who reported the incident. In the trial that followed (the doctor was charged with second-degree manslaughter, I believe, but that is not essential to my story), the lawyers for the doctor pushed the view that what had been "eliminated" during the "procedure" was "the products of conception," not an entity that could be described in language evocative of "human" or "person." The jurors, however, decided that photographs of an aborted six-month-old fetus looked quite a bit like a baby to them. They found the doctor guilty. He went on to appeal. I forget the outcome. But the most fascinating moment of this whole sorry episode, for me, was when the lawyer for the doctor stepped before the television cameras and blasted the jurors for their benighted lack of "medical" sophistication in viewing "the products of conception" as an "unborn baby."

Mr. Wilson reminds us of the stake we all have in being thus "unsophisticated," in refusing to medicalize or legalize the issue of abortion so thoroughly that we fail to see that what is at risk in abortion-rights absolutism is our capacity to respond empathically to the human infant. As well, by thoroughly disentangling the woman's "well-being" from the life of the fetus, even in the third trimester, the Court (in *Roe*) strangely and troublingly "desocialized" pregnancy, writing as if all that was going on was the "well-being" of one rather than the relationship of (at least) two, a woman to her unborn child who is, by then, recognizable to her in myriad ways.

One of my own daughters is now six months pregnant and describes the unborn baby's movement: "She's doing a lot of kicking. She's poking me with her elbows," and the like. It takes really ingenious legalese to ignore this. But rights-based absolutism that presupposes a world of Robinson Crusoes not only promotes such ignorance, it encourages and requires it. That so many feminists have signed on with this dehumanizing of the fetus, and desocializing of human reproduction, at *every* stage in development is surely one of the saddest stories of the past several decades.

Mr. Wilson is to be thanked for reminding us that the abortion debate is about more, much more, than individual rights narrowly defined. It is also about the human community broadly understood.

JEAN BETHKE ELSHTAIN
Vanderbilt University
Nashville, Tennessee

JAMES Q. WILSON writes:

There are two central issues: whether we ought to define abortion as a matter of rights or of morality and, if the latter, on what grounds a moral judgment might reasonably rest. As to the first: I was gratified to discover that most of my critics endorse the view that abortion is a moral issue. Mary Ellen Bork, Guenter Lewy, Henry J. Hyde, Marc Gellman, Haven Bradford Gow, Barton P. Jenks III, and Erland Olson, though they disagree with how I approach the moral issue, agree that it is a moral one, and in that sense are allies, at least on the fundamental matter, of those writers—Jean Bethke Elshtain, Suzanne F. Singer, Edward T. Oakes, Robert Greer Cohn, and Frederic Wile—who have not indicated any disagreement. The most touching words that I have read in these letters were those in Mrs. Singer's last paragraph and in Mrs. Elshtain's description of her daughter's pregnancy; I commend them to everyone.

Jonathan Kay, Christopher M. Schnaubelt, and, on the whole, Ronald Dworkin argue that abortion can only be decided as a matter of right, either because only the pregnant woman has the right to make the decision or because the fetus, at least before brain waves become measurable, has no rights that might limit the woman's choice. (This may also be the view of Harold Orlans, but his self-description—to him a fetus looks like a "strange little monster from inner space" akin to one his mother kept in her cupboard, and calling it an immature baby is "moral propaganda"—makes me suspect that he is incapable of grasping a moral

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argument and unwilling to make a rights-based one.)

One part of the rights issue can be disposed of immediately: Mr. Schnaubelt thinks that rights and morality are essentially the same thing because the dictionary defines "moral" as a matter of "right or wrong in conduct." I hope he ordinarily uses the dictionary with more care than he has in this case: "right" in the sense of right conduct is different from a "right" in the sense of a claim of autonomy. People may have a legal right to withhold help from a drowning person, but it is not morally right to do so, at least if the aid can be given without jeopardizing the rescuer.

Mr. Dworkin understands this difference and makes it the heart of his argument. His distinction between viewing a fetus as a person with rights and as a form of human life entitled to protection is a useful one for some purposes, but not many. We both agree that it helps us criticize the views of those opponents of abortion who would make an exception in the case of rape or incest. If a fetus is a person with rights, then it has those rights however it was conceived and aborting it is equally wrong in every case. Thus, the exception for rape and incest is inconsistent with the pro-life position as it is usually expressed. If, on the other hand, we think the fetus is human life that is entitled to special respect, we will want to afford it that protection and respect as soon as it is human or in proportion to its humanity.

There are several reasons that his distinction does not carry us very far. Mr. Dworkin says (without, so far as I know, adducing any evidence) that "few people" who oppose *Roe* v. *Wade* believe that the fetus has rights in the first two trimesters. On the contrary, I think very many, probably most, critics of abortion believe that it has rights *and* that it is sacred. That opponents of *Roe* have several justifications for their position does not make their position incoherent, it makes it all too human and even more compelling. Professor Stephen L. Carter, in his review of Mr. Dworkin's book, made much the same point when he wrote that "leading figures in the pro-life movement speak eloquently and forcefully" that a fetus is a human clothed with rights and interests. As Carter observes and as I agree, people who march about carrying signs saying that abortion is murder mean exactly what they say. Mr. Dworkin thinks that they cannot *really* mean this because the early fetus lacks the "neural substrate" necessary to equip it with rights, including the right not to be murdered. As Carter concludes, what we find in reading Mr. Dworkin is not the rebuttal of a false premise but an inability to take the premise seriously.

Mr. Dworkin wants us to believe that a state may not curtail liberty in order to protect the intrinsic value of human life if the effect of doing so would be to affront the sentiments of people who deny that human life is at stake or who feel that, even if it is, it is not worthy of protection. The reason he urges that view is that such protection must rest on a religious conviction, and the Constitution forbids the state from imposing a religious conviction on nonbelievers (or on anyone).

In my essay I criticized that view, suggesting that it would prevent us from banning genocide, infanticide, or the death penalty so long as the community was, in his words, "deeply divided about what respect for [the value of human life] requires." His rejoinder to me

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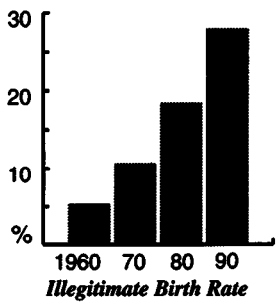

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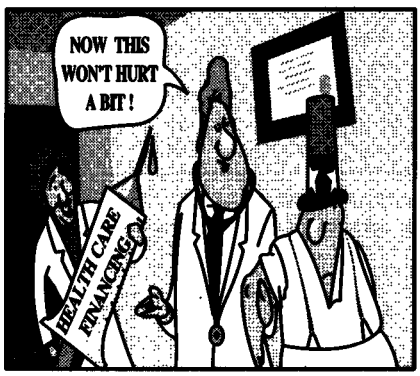

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"All who have meditated on the art of governing mankind are convinced that the fate of empires depends on the education of youth." - Aristotle

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is that bans on genocide, infanticide, or capital punishment are justified by the government's authority to protect the "interests of individual people." In short, he seems committed to the view that only rights and interests can support or define the limits of state action. But then, in the very next paragraph, he pulls back a bit. Laws against murder *both* protect the rights of potential victims *and* protect the intrinsic value of human life. This is a very important concession because, if he means it, it supports the pro-life position: a ban on abortion ought to exist because it *both* protects the rights of the unborn *and* defends sacred human life.

LET me return to the case of infanticide. There is no argument justifying abortion that cannot also justify infanticide. The difference between a fetus and an infant is, in the extreme case, a matter of but a few hours or even a few minutes. In Mr. Dworkin's position, the difference is a few weeks—a fetus has no rights in the first two trimesters, has some (but not many) in the third, and a whole lot just after it is born. What has happened to equip one creature with rights denied to the other? In his view, the mother has made enough of an "investment" in the baby so that by the third trimester it has acquired some rights, and at birth all rights. This means, he says, that perhaps some restrictions on abortion might exist in the third trimester (he never defends very enthusiastically any particular restriction, even though by this time the baby is viable) and that just after birth it has the "right" not to be murdered. I disagree; people do not oppose infanticide because babies have "rights or interests," but *because they are babies* and as such embody the essence of all that we cherish in human life.

My view is that our opposition to abortion, like our opposition to infanticide, homicide, and genocide, rests chiefly though not entirely on moral grounds. But what are those moral grounds? At this point Mr. Dworkin makes common cause with my critics from the pro-life movement by saying, as they say, that one cannot let the matter rest on the visually informed moral sentiments of the parents, especially the mother.

My critics offer two reasons for their objection. First, there is the test of appearance. Mr. Dworkin says that "few people would accept physical resemblance as morally significant," in part because one's reaction to appearance is "subjective" and liable to change. Mr. Lewy seems to agree, suggesting that our moral concern cannot be "circumscribed by such a visual experience." This is also the view of Mrs. Bork and Charles R. Ewy; Mr. Olson adds the argument that a visual test is defective for being "emotion-oriented." Rabbi Gellman thinks that he, too, would recognize a seven-week-old fetus as human, but worries that some, perhaps many, people would not.

I think otherwise. Contrary to Mr. Dworkin, I do not believe that many people, other than professors when they write about morality, engage in moral reflection; ordinary people (and professors when they are not writing) respond to moral problems with immediate emotional reactions. We immediately and instinctively are drawn to tender infants, especially our own; to our pets and to their cries of distress; to the plight of an elderly woman who has fallen and cannot rise; to a neighbor whose house has burst into flames. As I write, countless acts of routine heroism and compassion are occurring in my city, Los Angeles, as a consequence of a destructive earthquake; I doubt that any are the product of extended reflection. As we are drawn to the plight of others, so also do we recoil in horror at the brutality of callous muggers and drive-by shooters and in anger at the unfair behavior of biased officials, greedy politicians, and corrupt judges.

These reactions are distinctively human and, insofar as I can tell, nearly universal. They are vastly more common than is agreement with any particular religious or philosophical tenet, for they can be found, I think, among people innocent of philosophy and committed to the most animistic religions. The world's great religious traditions elevate these sentiments to the status of teachings and commandments; that is, indeed, why we call them "great." The ghastly rituals of the Aztecs, the shallow superstitions of the Yanamamo, the indulgent hedonism of certain Parisian intellectuals—all of these beliefs and more had a chance at becoming a widely accepted ethical teaching, but none did because they did not comport, in the long run, with the disinterested moral sentiments of many generations of people.

Congressman Hyde would reply to this argument, as he says in his letter, that moral sentiments are inadequate to settle such great moral issues as black slavery. He is, of course, quite right. But I hope he does not think that any religious tradition, were its followers faithful to its literal teaching, was adequate to settle the matter. The Hebrew Bible can be, and was, quoted in defense of slavery; the Anglican Church for decades depicted slaves as bearers of the mark of Cain and as the children of Ham, cursed by Noah as the "servants of servants." Islam recognized slavery, as did Aristotelian Greece, Confucian China, and Hindu India. A principled attack on slavery had to wait until the late 18th and early 19th centuries and the application of Enlightenment teachings about individualism to scriptural interpretation, an application that pitted one Protestant sect against another and that deeply divided the Catholic Church. In *The Moral Sense* I suggest why the attack on slavery prevailed in the West (and nowhere else!); without repeating the argument here, let me suggest that certain social conditions encouraged the extension of the natural moral sentiments of the family to the unhappy circumstances of strangers.

THE arguments of contemporary pro-life and pro-abortion groups have, I think, changed very few minds. Congressman Hyde and Mr. Dworkin have provided their followers with thoughtful defenses of their existing views, but neither, I venture to say, has won many converts from the other side. I do not expect to win many, either. But I think that the general public can reach a reasonable moral settlement provided only that the courts let them do it and that when they do it they confront, in the most direct way possible, the reality of what they are deciding. If I am wrong about this, then I am wrong about the moral sentiments that men and women naturally bring to the evaluation of the humanity of infants. I tremble to think what that might mean.

The second problem with my way of resolving the moral issue, it is said, is that it avoids defining human life as beginning at the moment of conception and thus

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that it declines to draw a bright line where it is most easily drawn. Mrs. Bork makes this point eloquently, and Mr. Lewy reinforces it by pointing out that by limiting abortions to embryos and banning them for fetuses—that is, by drawing the line at roughly the eighth or ninth week of pregnancy—we would still be aborting about 700,000 bits of life each year.

I have no satisfactory answer to that objection. Beyond repeating what I said in my essay, let me turn the question around: if we grant that the moment of conception marks the beginning of human life (as Congressman Hyde points out, pregnant women do not give birth to golden retrievers), why do we owe the life at that moment the full protection of the law? If you say, "because it is life," I respond that it is genetically the beginning of human life, but it is not yet human in any sense in which the word is used in ordinary human discourse; that is, it does not manifest the form, nature, or qualities characteristic of men and women.

And if this human life in its earliest stages of development is entitled to the same protection as a live infant, one must ask why. There can only be two answers: one is that our moral sentiments are engaged by and moved to defend the most elementary forms of human life, even at a time when they consist of but four or eight cells. I share this sentiment; I believe that tens of millions of men and women share it; but it is a *sentiment*, and one, presumably, subject to all the arguments that Mrs. Bork and Messrs. Dworkin, Hyde, Lewy, Olson, and others would make against moral intuitions generally.

The other answer is that some external authority commands that life, as soon as it exists, must be protected. If that external authority is religious or philosophical, those who rely on it ought to explain and defend it. I warn you that it is not as easy to do this as it is to stencil a sign saying that abortion is murder. Very few great religious or philosophical texts mention, much less condemn, abortion; the Bible is silent on the matter. One can, of course, derive an argument against abortion from the biblical injunction against murder, but the derivation does not come easily, as is evident from the biblical approval of warfare, capital punishment, and (in the first book of Kings) the slaughter of rival prophets.

And as Rabbi Gellman reminds us, the Jewish tradition not only permits but *requires* abortion when the life or health of the mother is at risk. A fetus that threatens its mother must be killed; if it does not threaten it, it must be saved. To Maimonides and Rabbi Gellman, a fetus is not a person, yet it can be judged innocent or guilty as if it were. Though he does not discuss the matter, I wonder how Jewish teaching defines the "health" of a mother? That health is surely threatened by septicemia, but is it also threatened, sufficiently to justify a therapeutic abortion, by extreme pain? Lasting mental depression? Chronic fatigue?

THOSE who are prepared to work their way through these complexities may emerge with a newfound respect for ordinary moral sentiments. The virtue (if I may use that word) of an appeal to the sentiments of awe, wonder, and affection that we feel when we see our own kind begin to take form before our eyes is that they move billions of people; if they did not, the human race would long since have perished from the pain, cost, and annoyances of child-rearing. I suggest that it is a profound error not to enlist so powerful an emotion in the cause of extend-ing the sphere of protected life, and it is a tragic error to reject that emotion because it does not meet the requirements of philosophical exactitude or religious certainty that the modern educated mind has erected for its own bafflement.

Letters on Mr. Wilson's article are still coming in, and we expect to publish them in the months to come.—EDS.

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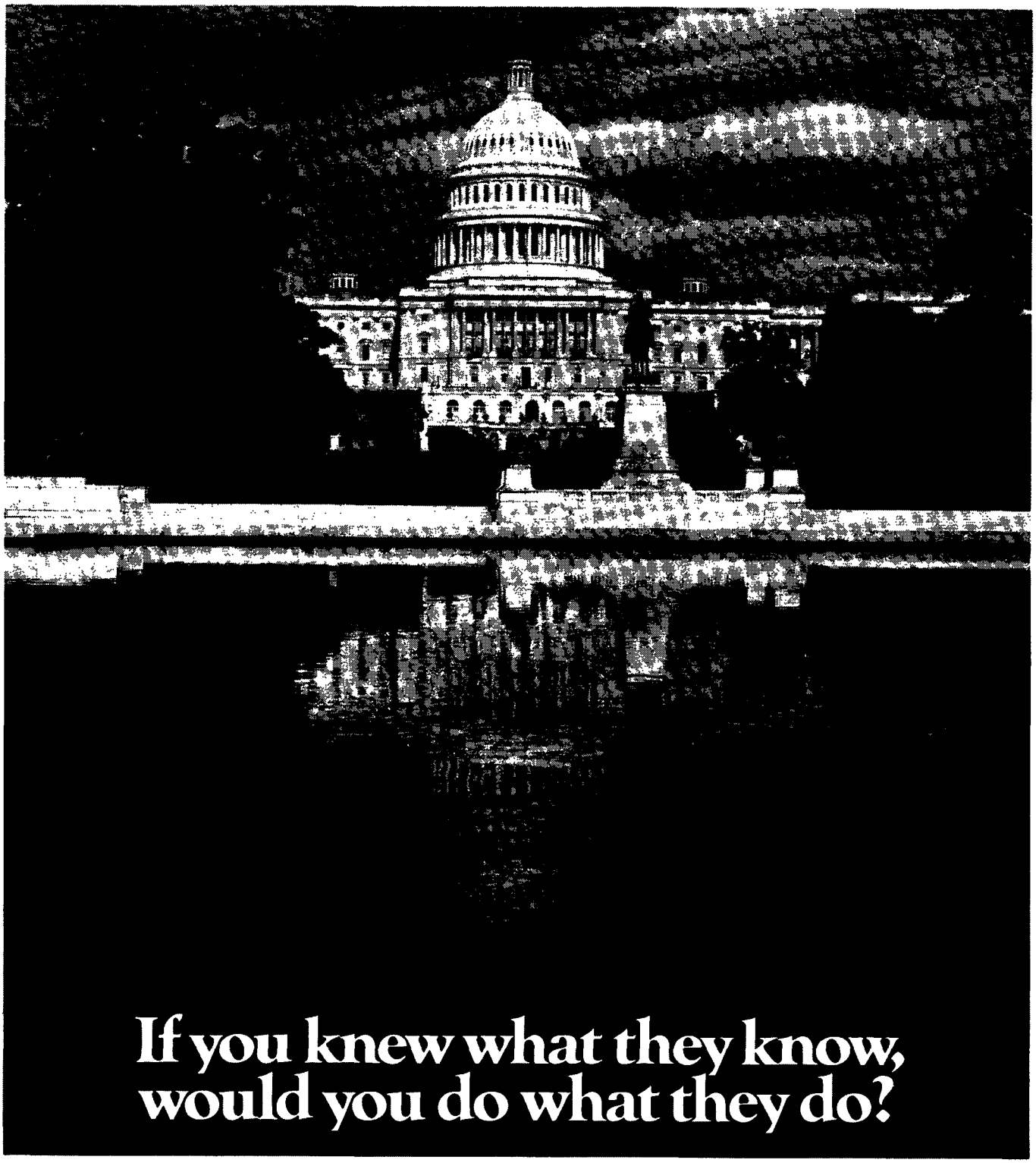

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What Did the Clintons Know & When Did They Know It?

Lynn Chu

After much delay, a special prosecutor, Robert B. Fiske, Jr., has finally been appointed for "Whitewatergate." This means that it will be a long time, possibly even years, before the results are in. Meanwhile, absent a clamor for congressional hearings, we are left to the forays of journalists. Unlike Congress, of course, journalists have no subpoena power and, in Whitewater, much rests in the documents. Thus far, press parries have mostly been deflected by evasive White House maneuvers, aided by sharp lawyering from the Clintons' new counsel at Williams & Connolly, who has managed to get all the records—or what is left of them—put firmly under wraps.

Nevertheless, enough has already come out to reveal a great deal of possible wrongdoing for Fiske to investigate. Of course, no one knows all the facts yet, and only a court can judge their credibility. Based on what we have learned so far, however, Whitewatergate fits the classic pattern of corrupt, influence-peddling savings-and-loan associations now being prosecuted every day in America.

Whitewater Development Corporation was an Arkansas real-estate venture formed in 1979 by Bill and Hillary Clinton along with their friends James McDougal (the future owner of Madison Guaranty Savings & Loan Association) and his then-wife, Susan. At the time, Clinton was Attorney General of the state and on the brink of becoming Governor. Once in office, Clinton appointed McDougal as his liaison with the Economic Development, Commerce, and Highway and Transportation Departments.

Fast forward to 1984. McDougal says that the Governor, citing family money problems, urgently requested him to put Hillary Clinton, as a partner in the Rose law firm, on a $2,000-per-month retainer to represent Madison. (Though Mrs. Clinton got the job, the White House denies that this was how it happened.) Soon afterward, Clinton appointed Beverly Bassett Schaffer, formerly McDougal's lawyer, to head the state agency in charge of overseeing S&L's. According to McDougal, the appointment was made at his request. Then, in 1989, after what looks like soft treatment from Schaffer, Madison went belly-up, sticking American taxpayers with $50-$60 million in bad loans—many of them to politicians and other favorites of McDougal (including, as we shall see, several who were also close to Clinton).

Prior to the collapse of Madison, the Clintons might be seen to have used their political influence on behalf of the McDougals or Madison or Whitewater in the following ways that Fiske will surely want to examine:

- In 1984, the Arkansas Housing Development Agency rented space from Madison, paying it $202,460 over more than three years. Since this was done over the protests of agency officials, Fiske will want to ask whether Clinton as Governor improperly channeled state business to Madison and his partner McDougal.
- In 1985, Hillary Clinton, acting as Madison's lawyer, asked Schaffer to permit Madison to issue preferred stock and form a brokerage subsidiary. Yet even though Madison was already in regulatory trouble both with state and federal authorities, Schaffer granted Mrs. Clinton's request. Here Fiske will want to determine whether Mrs. Clinton exerted improper influence. Her representation of Madison, and Schaffer's failure to recuse herself, may have violated ethics laws and bar rules.
- Arkansas municipal judge David Hale claims that in 1986, Governor Clinton pressured him into making an improper $300,000 loan—backed by the Small Business Administration (SBA) through an investment company owned by Hale—to Mrs. McDougal. This, Hale says, was to enable Jim McDougal to "straighten out the books" at Madison before the federal auditors got there. If Hale is telling the truth, Fiske will have to decide whether Clinton's request might constitute criminal solicitation and extortion. (Hale is currently under indictment for an illegal $900,000 SBA-guaranteed loan to himself and two colleagues.)
- After the $300,000 loan was granted, Susan McDougal reportedly put $110,000 of it into Whitewater's account, where it was used as a down

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payment on 810 Ozark acres Whitewater bought in October 1986 for $550,000 from International Paper. If this was a loan from Mrs. McDougal's company to Whitewater, then the books and tax records of both entities should show it, along with repayment. If they do not, then tax laws may have been violated. Coincidentally, Clinton had, just the previous year, pushed through big tax concessions for International Paper so as to keep it from moving out of state. Fiske should investigate allegations that the opportunity was made available to, and the price of this property discounted for, Clinton. In any event, Whitewater soon defaulted on the purchase.

IF THE Clintons seem to have done favors for McDougal, he seems in turn to have done favors for them (in addition to putting Hillary on retainer):

• In 1979, according to McDougal, the Clintons were to pay $9,000 up front for their half of Whitewater. CNN has reported that even that tiny amount—apparently the Clintons' portion of a down payment on the $203,000 Whitewater property—was paid by McDougal, via a personal loan to the Clintons from one of his banks which they seem never to have repaid. Other news reports contain suggestions from McDougal that he may have taken care of other expenses on the Clintons' behalf. All this will have to be cleared up by Fiske.

• In December 1980, yet another bank then owned by McDougal, Kingston Bank & Trust, loaned Hillary Clinton $30,000. She used it to build a model house on a Whitewater lot. She then sold the house on the lot (which Whitewater had deeded to her for free), repurchased it in default, and finally resold both for a gain, not counting expenses, of $20,000 and a reported $1,640 net capital gain to her personally. Later, Susan P. Thomases, a lawyer for the Clintons, said Mrs. Clinton's $30,000 mortgage was solely a Whitewater corporate debt. Vincent W. Foster, Jr. (Hillary's former law partner, who died an apparent suicide while serving as Deputy White House Counsel) also amended the Clintons' tax returns to shift interest payments on this same $30,000 loan to Whitewater.

What all this indicates is that Whitewater may have assumed Mrs. Clinton's mortgage, as well as other loans from McDougal, covering the Clintons' original investment, or other unpaid liabilities of theirs. Any of these actions might constitute releases of indebtedness by Whitewater. These should have been reported as such, with income consequences both to Whitewater and to Mrs. Clinton at the time of each forgiveness. They should also have been documented on Whitewater's books as having been received (or as a receivable accruing proper interest) from the moment they were assumed.

The free deed of land to Mrs. Clinton also should have been reported on both the Clintons' and on Whitewater's tax returns. Its value (over cost) at the time deeded was both a corporate gain to Whitewater and a distribution to Mrs. Clinton, and taxable as such.

The IRS, treating the shifting of interest payments to Whitewater as an innocent mistake, seems to have waived penalties and interest on the Clintons, as well as for the amount of the underreporting. Nevertheless, if Whitewater was used systematically to hide personal income to the Clintons, tax fraud might have been committed. It is a possibility that will have to be explored by Fiske.

• Fiske may also want to see if an unsecured personal loan of $50,000 from Cherry Valley Bank to Clinton, at a time when he was in debt and had few assets, was properly made in accordance with bank rules. The loan was approved by the bank's president, W. Maurice Smith, who had once been Clinton's senior aide.

• More suspicious is the Clinton fund-raiser on April 4, 1985, when depositors' names were evidently put without their consent on Madison cashiers' checks, which were then contributed to the Clinton campaign. At least one of those depositors, Kenneth Peacock, a Republican, says he never made any such contribution to Clinton. Fiske will want to find out whether the Clintons or the Clinton campaign were aware of this, for if they were, they could be implicated in illegal acts.

• Madison also made a number of large loans to friends and supporters of Clinton in the 80's. Many of these people have defaulted. Madison, in turn, has gone under to the tune of $50-$60 million. Thus American taxpayers are in effect paying off for people who may have been handed cozy loans because of their political connections.

For instance, the father-in-law of Webster Hubbell, another of Mrs. Clinton's ex-law partners and now Associate Attorney General at the Justice Department, got one of those Madison loans. He has defaulted on it to the tune of $587,793. Clinton's successor as Governor, Jim Guy Tucker, has already gotten a release from the Resolution Trust Corporation (RTC), free and clear, of $500,000 of his defaulted $1-million Madison loan. Judge Hale, evidently not satisfied with the $900,000 he took out of the SBA program, also borrowed and defaulted on $672,000 from Madison. Fiske will want to review each of these loans, and any other such, to members of the Clinton circle.

WHAT did the Clintons know and when did they know it? They cannot claim to have been entirely in the dark. McDougal had a long history of irresponsible lending and diversion of bank funds to himself, his friends, and his relations. Clinton's own banking commissioner says he advised the Governor as early as 1983 that McDougal and Madison were indulging in questionable practices.

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By 1984, surely, the Clintons should have known that Madison was in trouble not just with Arkansas but with the federal authorities, for inflating profits on its books when it was well-nigh insolvent. In that year, an audit by the Federal Home Loan Bank Board said Madison's "viability" was in jeopardy. By 1986, a federal report concluded that Madison was likely insolvent, that its records were shoddy or missing, and that millions of dollars had been diverted improperly to McDougal, his friends, and his family. (Incidentally, McDougal's ex-wife, Susan, has recently been picked up in California on charges of embezzling $200,000 from the conductor Zubin Mehta.)

Despite this, the Clintons' active business relationship with McDougal continued, at least up to Mrs. Clinton's final house-and-lot sale in 1988, and formally through the repurchase by McDougal of the Clintons' Whitewater shares in December 1992.

The Clintons have said many things about Whitewater that have since proved dubious, self-contradictory, or false. To cite only one example, they have repeatedly claimed that they were merely "passive investors" in Whitewater who suffered $68,900 in losses. But Hillary's $30,000 development project was hardly the act of a "passive investor."

As for the supposed $68,900 in losses, the Clintons admit that these were never declared on their tax returns. Scrambling to cover for the President, Vice President Gore (slavishly echoed by Eleanor Clift, *Newsweek*'s chief political reporter) protested on TV that the Clintons simply did not bother to report their losses because they had no gains that year to offset them. But as everyone knows, capital losses carry forward to offset any and all future capital gains, as well as up to $3,000 of straight income per year, for life. One would have to be crazy not to report a big loss that could be used to offset future gains as well as income. But it would make sense not to report a loss that one never really suffered because somebody (like McDougal) had made good on it off the books: another point for Fiske to examine.

Moreover, the so-called "Lyons Report"—issued in the 1992 campaign by an attorney, James Lyons, and an accountant, Leslie Patten, and repeatedly touted by the Clintons as constituting their clean bill of financial health—has now been called into question by Lyons himself. He recently admitted to the *Wall Street Journal* that he based his report on incomplete records (which means that the $68,900 figure could easily be a list of expenses with offsetting income omitted), and that he and Patten were not, as advertised, "independent."

BEYOND the "Lyons Report," the White House's behavior in the Whitewater inquiry raises a separate host of questions, involving a possible cover-up and obstruction of justice, that Fiske will also have to explore.

The Clintons denied ever getting Whitewater's records, which Susan McDougal said she sent to the Governor's mansion at Mrs. Clinton's request. The Clintons seem to have them now, however. (On the other hand, records of McDougal's Clinton campaign fund-raiser are missing from the County Clerk's office in Little Rock.) There has been much delay in turning over Whitewater files to investigators, and the White House has repeatedly given odd excuses for this, such as a need to "catalogue" them. But surely the files could have been handed over after being photocopied and the copies then catalogued, if indeed that was necessary.

Fiske will want to know why the Clintons' personal files were in Foster's White House office in the first place: having their personal affairs handled by him there would seem to be an illegal misuse of federal employees. Fiske will also want to know why these files were removed (by the White House Counsel, Bernard Nussbaum, and others) and withheld from investigators in the wake of Foster's death. Remarkably, Nussbaum claims that it would have been "unethical" for him to hand over the Clintons' personal files. But it will be up to Fiske to determine whether in doing so he may have been obstructing an investigation into the highly suspicious death of a close associate of the President who was at the time engaged in unethical and possibly illegal activities in the White House.

Fiske will also have to inquire into complaints about Nussbaum's efforts to have White House lawyers sit in on interviews of White House staffers conducted by Whitewater investigators from the Department of Justice (DOJ) following Foster's death. Former Deputy Attorney General Philip Heymann found it necessary to "raise hell" with Nussbaum over this, and certainly it does give the appearance of trying to manipulate or chill the investigation.

Ordinarily, the White House hands over records on request from the DOJ without any service of a subpoena. But in this case the Clintons' lawyer, David Kendall, requested a subpoena in order to keep the records secret, and also asked that they not be shared with the Office of Professional Responsibility, which investigates DOJ employees. Fiske will want to ask why. Was there an effort here to obstruct the inquiry into "Travelgate" (which also revolved around Foster's files), or to shield Webster Hubbell or Sheila Anthony, Foster's sister-in-law, both of them current DOJ employees and old Clinton friends?

For weeks Attorney General Janet Reno stalled and delayed before appointing a special prosecutor immediately upon President Clinton's request. (That Reno has been widely touted as "apolitical" and "independent" of the White House now seems positively Orwellian.) Meanwhile, the clock was ticking on the statute of limitations

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on Whitewater civil claims, which was due to run out in March.

It remains for Fiske to determine at what point the White House's aggressive self-protection, strategic half-truths, semantic gamesmanship, stalling tactics, false statements, and denials turn from just politics into obstruction of justice.

FISKE's task is complicated by the sheer scope of the Clinton scandals—some outside the bounds of his Whitewater jurisdiction. Take, to begin with, the shorting and selling of health-care stocks by the Clintons and their investment advisers. One of these stock sales appears to have been remarkably well timed—it took place on the very day before Mrs. Clinton's speech furiously denouncing drug companies, which, predictably, sent health-sector stocks plummeting.

The Clintons never bothered to set up a blind trust for their investments until long after they assumed office, in July 1993. Reagan's Attorney General Edwin Meese, it will be recalled, was run out of town on a rail to loud cries of "sleaze" because two small stock holdings had not been put into a blind trust before he took office. It simply cannot be, and never has been, seriously argued that this error of Meese's dovetailed with any serious issue of public policy or was linked with a motive of gain on his part. The reverse seems likely with the Clintons' health-care stocks.

The double standard exhibited here by the press on behalf of the Clintons has been breathtaking. As opposed to the job done on Meese, the Clintons' short selling of health stocks has been treated as a mere harmless error which got rectified once their assets were put into trust. Under federal ethics law, however, putting holdings into a blind trust does not immunize one from liability even during the trust's term—much less for what went on prior to it—unless the holdings were liquidated before the assets went into the trust. Evidently this was not done by the Clintons.

Even more incriminating is the "Troopergate" scandal. Apart from the lurid testimony concerning Clinton's sexual antics when he was Governor of Arkansas, the legally interesting point here is that, as President, Clinton phoned Arkansas state trooper Danny Ferguson. Ferguson said it was to offer him a FEMA or U.S. Marshal's job in exchange for informing the White House about the other troopers who had been telling tales on Clinton. If such an offer was made, it would violate a number of federal and state laws and would amount to bribery and abuse of office.

The White House, via Clinton's former aide Betsey Wright, went to extraordinary lengths to imply that Ferguson recanted. But Wright's claim was based on an affidavit signed by Ferguson's lawyer (not by the trooper himself) asserting that Clinton had not offered him jobs in exchange "for silence." This is a devious lawyerly distinction. The issue was not silence, it was information on Troopers Patterson and Perry.

Nor has the double standard been confined to the matter of stock holdings. The usual pattern in the Reagan-Bush years was for a columnist to charge that some idle contact with somebody who later got embroiled in a scandal meant that the official must have participated in the criminal's crimes. No nexus of activities had to be shown for hysteria to reign in the press. President Bush's son, Neil, for example, was on page one of the *New York Times* for ages because he happened to sit on the board of an S&L that later went belly-up. And in "Iraqgate," a single phone call, which the Justice Department maintained was a routine inquiry to the prosecutor in Atlanta, generated innumerable stories speculating that Bush's DOJ was trying to manipulate the BNL case and shut it down to hide some grim scandal.

By contrast, the article with the most damning substance yet to appear on Whitewater, by Jeff Gerth and Stephen Engelberg of the *Times*, was buried on page B8 in the Metro section, just behind a story about a homeless fellow in New York City who had finally gotten a job. Rumor has it that *Times* editors wanted to kill the article, but relented under pressure from the reporters. It was only when Troopergate sparked a media frenzy that the *Times* finally gave more backing to its own investigative journalists.

A lot of what passed for scandal in the Reagan-Bush years was really just umbrage at conservative policies. Things found to be morally outrageous by the dominant liberal ideology became muddled with allegations of criminality. Criminality became a metaphor for the politically incorrect. Irresponsible charges of "lies" and "cover-ups" were leveled at innocuous statements. Any statement that Lawrence Walsh, the independent counsel in the Iran-*contra* affair, might deem to fall short of the full confession of guilt he was searching for would be proclaimed "obstruction of justice."

As we have seen, the possible civil and criminal implications for the Clintons and their circle are far more detailed and extensive. They include (but are not limited to) various state, federal, and governmental-agency ethics laws, several of criminal scope; bar ethics rules; bribery; corruption; abuse of office; solicitation; extortion; false statements; false books; failure to report taxes; tax fraud; violations of campaign-finance and public-official disclosure laws; bank fraud; diversion of bank funds; and embezzlement.

If this were a Republican administration, Congress would be launching dozens of competing hearings. Instead, we hear only gasps of horror from Democrats at the idea of even one. Be that as it may, Robert Fiske will have a lot of work to do when his investigation is finally under way.

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The Story Behind the Handshake

Yigal Carmon

THE agreement reached last August in Oslo between Israel and the PLO, and then signed (with some modifications) on the White House lawn a month later, was negotiated in the deepest secrecy. So far the story behind it has been told only selectively and only by participants or supporters who see it as a triumphant historical breakthrough. But a very different picture emerges when that story is told more fully, which is what I propose to do here now.

OSLO was by no means the first place in which PLO officials had met with Israelis. From the 1970's on, symposia, conferences, and "dialogues," open as well as clandestine, were held in cities throughout the world under various organizational, semiofficial, and even UN auspices, usually with the host countries' participation. As time went on, the Israeli participants became bolder, notwithstanding the Israeli law which prohibited direct unauthorized contact with members of the PLO. (This law was repealed shortly after the Labor party came to power in 1992.)

The Scandinavian countries had always seemed particularly eager to play the role of host in encounters between the PLO, an organization whose cause they had consistently espoused, and Israeli "peace activists" or dovish American Jews. It was in Stockholm that a group of such Americans, including Rita Hauser and Menachem Rosensaft, met with Yasir Arafat in 1988, clearing a path to the dialogue with the PLO that was begun in the last days of the Reagan administration.

That dialogue was suspended when Arafat refused to condemn a May 1990 terrorist attack on a beach near Tel Aviv by one of the mainstream PLO factions. Washington was particularly miffed when it discovered that the group had intended to attack not only Israelis, but also the American embassy. However, Arafat's refusal to dissociate himself from Abu Abbas, the group's leader, did not have the same effect on the Israeli "peace camp" as it did on the U.S. government. Israeli doves continued to meet with the PLO throughout the world, with at least one major colloquy made into an hour-long program that was widely distributed by PBS.

Among the various hosts of these meetings, a think tank called FAFO (the Norwegian acronym for Institute for Applied Social Science) was outstanding in its dedication and zeal. Early in the summer of 1992, its executive director, Terje Rod Larsen, sought out Yossi Beilin, then head of the Israeli research institute ECF (Economic Cooperation Foundation), and a protégé and very close confidant of Shimon Peres, one of the main leaders of the Labor party. Larsen told Beilin that the Palestinians were tired of the *intifada* and ready to reach an agreement. If the coming election brought Labor to power, the opportunity should not be missed. Beilin responded by putting Larsen in touch with a friend, Professor Yair Hirschfeld of Haifa University, a fan of the late Austrian Chancellor Bruno Kreisky, who was famous for his Pollyannish notions about the Arab-Israeli conflict.

Following the Labor victory in 1992, Yitzhak Rabin became Prime Minister, Shimon Peres became Foreign Minister, and Peres appointed Beilin as his deputy. Larsen—whose wife was administrative assistant to the Norwegian Foreign Minister, Johan Jorgen Holst, while Holst's own wife was the FAFO chairman—now offered the services of the Norwegian government to Beilin. Holst himself was known to be "possessed" by the idea of making peace between Israel and the PLO. There could be no cozier arrangement.

Beilin could not officially participate in direct contacts with PLO representatives—they were still illegal—but he assured Larsen that Hirschfeld and a former student of his, Ron Pundik, an academic with a Scandinavian background, could do the job. At the time, says Beilin, he considered the encounter no more than an intellectual exercise.

Nor did the PLO take the Hirschfeld-Pundik pair too seriously—not until its spokeswoman, Hanan Ashrawi, whose home they used to visit, realized how close they were to Shimon Peres's new deputy and closest confidant. At that point,

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Ashrawi arranged for them to see the PLO's "Finance Minister" Abu Ala in London, and it was there that the idea of drafting a proposal for an Israel-PLO agreement was formed. Hirschfeld suggested that meetings continue in Oslo, and the PLO people concurred.

Pundik and Hirschfeld kept stressing to their PLO counterparts that the Israeli government might disavow them at any moment. But this only served to convince the Palestinians that their Israeli interlocutors were indeed representing the government. In fact, however, virtually no one in Israel knew of the talks. Hirschfeld and Pundik's only contact at the time was with Beilin, and it is not quite clear at what stage Beilin reported their dealings to Peres.

What *is* certain is that Prime Minister Yitzhak Rabin was entirely unaware of these developments, at least until December 1992, when the Oslo negotiators came up with a document which was, according to Beilin, essentially identical to the Declaration of Principles of August 1993. It called for an almost complete Israeli withdrawal from the Gaza Strip and Jericho, to be followed shortly thereafter by the extension of Palestinian self-rule to the entire West Bank.

IN THAT same month, December 1992, Rabin and Chief of Staff Lt.-General Ehud Barak decided on the expulsion of 415 Hamas and Islamic Jihad agitators. The expulsion, which was provoked by some particularly bold and successful strikes by these militant fundamentalist organizations against Israeli army and police, did not have the desired effect. The outpouring of sympathy for the deportees by the world media and the pressure on Israel to allow them to return (to which Rabin soon succumbed) encouraged not only the Muslims but also the PLO (including Fatah, Arafat's own faction) to continue their terrorist activities.

By the end of March, Rabin found himself in a critical position. Fifteen months had passed since his election to the premiership, and though he had pledged to achieve an autonomy agreement with the Palestinians within six to nine months, there had been no progress in the peace process. The talks with the Arab delegations in Washington—begun by his predecessor Yitzhak Shamir in the wake of the Madrid conference of October 1991—had been suspended; increased terrorist strikes had made "black March" one of the worst months in Israel's history; the Hamas deportees were becoming folk heroes; and his popularity in the polls was at an all-time low.

It was at this juncture that Rabin was finally informed about the Oslo negotiations. Instead of calling them off, he instructed that they be continued. Technically, this instruction was a violation of the country's law, which prohibited official contacts with the PLO except with cabinet approval. No such approval was given. The government ministers were not even aware of the negotiations.

At the end of April, Rabin decided to test the authority and clout of the PLO's interlocutors in Oslo by demanding of them that official PLO representatives not participate in the multilateral talks on refugees scheduled to be held (purely coincidentally) in Oslo. When his demand was promptly met, he was impressed. Why this should have been his reaction is puzzling. Obviously, a direct appeal from the Israeli Prime Minister was a more important sign of recognition to the PLO than the presence of its official representatives at the multilateral negotiations. Nevertheless, Rabin felt that the move proved he was dealing with the PLO's top echelon.

The media greeted the PLO concession with surprise, especially when the Palestinian representatives came out of the multilateral meeting beaming, and Abu Ala, although not a participant, announced to the TV cameras that it had been a great success. The reason for this elation was not only the recognition afforded the PLO by Rabin, but the fact that for the first time a high-ranking Foreign Ministry official—Director General Uri Savir—had become involved in the secret talks.

These talks now proceeded with Rabin's full acquiescence. From now on, they would be headed by Savir, an expert on U.S.-Israel relations (he had served as Consul General in New York) who knew little about the PLO, and Yoel Singer, an Israeli member of a prominent Washington law firm who would later become the Foreign Ministry's legal adviser. The secrecy was complete. In addition to the negotiators themselves, only Avi Gil, Peres's administrative assistant, and Shlomo Gur, Beilin's assistant, were privy to all developments. To ensure confidentiality, they handled typing, airline tickets, and other administrative details without benefit of secretaries. That nothing leaked to the press was extraordinary, particularly in light of the repeated PLO announcements that meetings at a high level were taking place. The world, accustomed to PLO prevarications and exaggerations, accepted the Israeli denials.

As Beilin recalls it, at the time they all still believed that the purpose of the negotiations was to draft a proposal that would be signed by the official delegations to the peace talks in Washington, which on the Palestinian side, of course, did not formally include the PLO. The Israelis thought they were getting a behind-the-scenes PLO endorsement, nothing more. Indeed, on August 15, only five days before the Declaration of Principles was initialed in Oslo, Rabin said at a government meeting that he hoped "Israeli elements" (a euphemism for "peace-camp" ministers and other dovish politicians) would not undermine Washington's policy of dissociation from the PLO.

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On August 20, at the Norwegian government's guest house, Holst and a few Norwegian colleagues hosted Peres, Gil, Savir, Singer, Hirschfeld, and Pundik, who were joined by Abu Ala and his assistants, for the signing ceremony. The Israelis were there for one of the most momentous diplomatic moves in the history of their country without having consulted a single military authority, a single intelligence officer, or a single expert on Arab affairs. To be sure, Rabin himself had gone over every word (though only later would he realize, as he would admit publicly, that the document had left "hundreds" of issues untouched; later still, he would declare that "the legal formulations of Oslo are rubbish" and that "what will be decisive are the facts on the ground").

Toasts were made by Savir, Abu Ala, and Holst. Peres, in Oslo on an official visit, had sneaked out of his hotel for the ceremony, but he was still reluctant to take an active part in signing an agreement with the PLO. Savir and Singer initialed for Israel, Abu Ala and an assistant for the PLO. Hirschfeld was asked to add his signature, as a tribute to his contribution. As fortune would have it, on that day nine Israeli soldiers were killed on the Lebanese border.

RABIN'S approval of an agreement with "PLO-Tunis," as he had always referred to the organization's government-in-exile, amazed many. But Rabin, while he originally doubted that such an agreement would ever be reached, had also always deemed contacts with the PLO useful. Even in the days when he served as Minister of Defense in the national-unity government under Prime Minister Yitzhak Shamir, he would advise Shamir: Let the local Palestinian leadership run to Tunis (an illegal act) as much as they want. They think they are putting one over on us, but in truth we are using them to get PLO approval for the agreement we must reach with the inhabitants of the territories. Without such approval, nothing will move. This way we can secure PLO sponsorship without having to accept the PLO's official presence or its participation in implementing the agreement.

But the PLO knew better. This would soon become clear when Rabin now applied much the same principle to the Oslo talks, explicitly announcing that "the test of the agreement is in its being signed by the delegations to the peace talks in Washington"—that is, not by the PLO. In a speech to the members of his government coalition he explained the tactic in detail:

> For a long time I believed that the Palestinian inhabitants of the territories would achieve their own ability [to negotiate]. But after more than a year of negotiations I reached the conclusion that they could not. . . . That is why the talks [in Oslo] were with Palestinians who are not necessarily residents of the territories. But the signing of the agreement will be between the delegations [to the peace talks in Washington].

Beilin, too, affirmed the separation between the Palestinian delegation in Washington and the PLO. Asked how Israel could sign such a declaration before the PLO abolished the clauses in its charter calling for Israel's destruction, Beilin answered: "The delegation [in Washington] is not the PLO, so the question is irrelevant." (This was in stark contrast to the Labor party's old accusation that the Shamir government had opened the door to PLO participation by negotiating with a delegation which is "PLO except for its name.")

The original intention, then, in Beilin's words, "was to put the agreement on the table in Washington without exposing the fact that it had been negotiated with the PLO in Oslo." But at this point the story broke, possibly leaked by the Norwegians, who were approaching a parliamentary election. (Holst's party won.) Then, to the Israelis' surprise, the head of the Palestinian delegation in Washington, Haidar Abdel Shafi, clearly acting in coordination with the PLO, refused to sign the document. Let those who cooked this up sign it, he said.

Queried on an Israeli television program about what would happen to the agreement if Shafi refused to sign it, Beilin replied, "Pay no attention to him. We'll find someone who will sign it." But since no one in the Palestinian delegation would dare sign the document without the PLO's permission, there was only PLO-Tunis to do so. This elementary point seems to have eluded Rabin.

He was, it also seems, unaware that, on the eve of the Madrid conference, Faisal Husseini (the unofficial head of the Palestinian delegation who—being a resident of Jerusalem—was disqualified as an official negotiator by the Shamir government) informed the then-Secretary of State, James Baker, that if an agreement were reached, only the PLO would sign it, not the delegation. (Husseini himself apparently leaked this information to the Hebrew daily *Ma'ariv*.)

So now Rabin had in hand a document which would not be signed by the only people he wanted to sign it: the representatives (albeit unelected) of the 1.8 million Palestinians living in the territories. He had to decide whether to let this "historic moment" dissipate or to enter into an agreement with PLO-Tunis, an organization which considered itself, and was considered by most of the world, the government-in-exile of the state of Palestine.

Rabin, clearly feeling he had reached the point of no return, chose to sign. At this stage, to go back to his original policy would have meant that, having violated his vow not to deal with PLO-Tunis, he had emerged with nothing to show for

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it. This would have been a political disaster for him in Israel, and it was a price he was obviously not ready to pay.

To make final recognition of the PLO more palatable, however, he insisted on three minimal conditions, which even the most extreme Israeli doves had always said should precede negotiations with the PLO: Palestinian recognition of Israel's right to exist; the renunciation of terrorism by the PLO; and the cancellation of the clauses in the PLO charter calling for the destruction of Israel.

Only then did feverish negotiations begin, and during the next ten days they seemed to produce results. Israel and the PLO would officially recognize each other, Arafat would commit himself to changing the charter, and the PLO would both renounce and denounce terrorism. Ironically, had Shafi been willing to sign, nothing of this would have made its way into the agreement. Yet even so, the PLO, which had already achieved what it wanted most—namely, Israeli recognition—did not give Israel all it demanded.

THUS, Israel demanded that the PLO charter be declared "invalid." The PLO agreed only to a declaration that the offensive clauses "are now inoperative, and no longer valid." The difference was subtle, but enough to turn a determined repudiation into something that could be and, among Palestinians, would be read as a mere observation.

Israel also demanded cessation of "the armed struggle"—the standard PLO euphemism for terrorist activities, hallowed as a sacred means to a sacred end. The PLO adamantly and successfully refused. It also flatly rejected the Israeli demand to declare an end to the uprising, which the PLO calls "the blessed *intifada*." (A senior PLO source told the Hebrew daily *Ha'aretz* that the Israelis had not even asked for an end to the *intifada*, only to its more violent manifestations.)

Peres insisted that the letters of mutual recognition to be exchanged by Arafat and Rabin include a pledge by Arafat to appeal to the Palestinian people to refrain from terrorism. But Peres was persuaded that it would be unseemly for Arafat to address his people through an agreement with Israel. Instead, the promise to make such an appeal was included in a letter to the Norwegian Foreign Minister, Jorgen Holst (who was to die four months later).

Arafat's letter of recognition to Rabin also contained a pledge to punish members of the PLO who might disobey the order to suspend terrorist activity. This was demanded not by the Israelis, but by Secretary of State Warren Christopher, who felt he needed it to get the ban on the PLO repealed in Congress. (A curious last-minute attempt to acquire American sponsorship for the agreement was made by Peres during a quick trip to the U.S. But Christopher politely rejected the Israeli appeal. "The Norwegians are the sponsors," he asserted to the press.)

Once the PLO executive committee approved the Declaration of Principles, it was to be signed by Peres and the PLO's Abu Mazen at the State Department in Washington. But the PLO saw here an opportunity to get Arafat to the White House. The Clinton administration, hungry for a foreign-policy success, pounced on the idea with gusto. Rather than allow Peres to lead the Israeli delegation, it proposed to invite Rabin. At first Rabin said that he would not go. But when Christopher called him (at 6 A.M. on a Sabbath morning), he immediately changed his mind. This enabled Arafat—still officially a wanted terrorist in the U.S.—to appear in Washington as a head of government. Arafat must have been unprepared for the alacrity with which the U.S. accepted the idea. His plane, donated by Saddam Hussein and still boasting the Iraqi colors, had to be hurriedly repainted with Algerian colors, since Iraqi planes were banned in the U.S.

At six o'clock in the morning of September 13, Ahmed Tibi—an Israeli Arab gynecologist who is Arafat's political adviser (a breathtaking case of dual loyalty)—was awakened by a call from his boss. "I haven't slept all night," said Arafat, according to Tibi. "If the PLO [instead of the official Washington delegation] is not named as the representative of the Palestinian side in the agreement, I won't sign it."

Hearing of Arafat's ultimatum, Peres at first threatened to leave Washington. But within minutes, says Tibi, "a compromise was found": Abu Mazen would write "PLO" on the document where the words "Palestinian delegation" appeared. In Tibi's account, when Arafat heard that Peres had accepted this "compromise"—in fact, an Israeli capitulation—he was incredulous. "Are you sure they agree?" he asked Tibi. "The man [Peres] is standing next to me," responded Tibi. "So I send two kisses on your head," answered Arafat, and Tibi rushed to dress for the ceremony.

The Israelis were promised that Arafat would not wear a military uniform or carry a gun to the ceremony. He had boarded the plane in Tunis in a uniform, carrying a gun, but at the White House he appeared without the gun. The military uniform remained. The Israelis called it a green suit.

The upshot was that, desperate by now for anything that would seem like a success, Rabin had become an easy mark. Simply by causing the negotiations to bog down and denying Israel a partner who could sign an agreement, Arafat got Rabin to break cherished taboos and cross hallowed red lines. He also got Rabin to accept promises that would be forgotten almost as soon as they were made.

For example, disappointed by the PLO's refusal to declare an end to the "armed struggle" and the *intifada*, Israeli officials rationalized it

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as Arafat's need to "save face"; the commitments to Holst, they maintained, meant in effect a total end to violence. Yet in numerous PLO messages to the territories, culminating in a January call to Gaza activists, Arafat would vow that the *intifada* would "continue and continue and continue." And indeed, following the agreement there was to be no slackening either of *intifada* activities or of terrorism.

Again, in his letter to Holst, Arafat promised that he would make his appeal against violence as soon as the Declaration of Principles was officially signed. Not unreasonably, the Norwegians, Americans, and Israelis all expected him to do this in his speech at the signing ceremony on the White House lawn. Waiting for the magic words to be uttered any moment, Ehud Ya'ari, the Israel Television commentator who covered the proceedings, used every break in Arafat's speech to announce, "Now he will denounce terrorism . . . now he will say it . . . now he simply has to say it. . . ." Only after the last paragraph did Ya'ari give up: "He is not saying it," he reported, crushed.

Nor would Arafat set a date for implementing the changes in the PLO charter to which he had committed himself. Nor did it seem likely that the necessary two-thirds majority could be found in the PLO "parliament," the Palestine National Council (PNC), to ratify such alterations. And in any case, Arafat himself would go on to declare that he had no intention of asking for a change in the charter. As his colleague Ziad Abu Zayyad would put it: "Asking us to abolish parts of the charter is like us asking you to abolish the Bible."

ARAFAT was followed by the media throughout the day of the signing. What they did not report was that he made a broadcast to the Palestinian people through Jordanian television on that very day. In it, he mentioned neither a halt to terrorism nor peace or coexistence with Israel. Instead, he described the agreement as the first step "in the 1974 plan"—known by all Arabs as the "plan of phases" for the destruction of Israel.

He did not need to spell it out, for he could be confident that his audience would understand the implications: that the foothold the agreement had just given him would now open the way in short order to an independent Palestinian state in Gaza, Judea, and Samaria with Jerusalem as its capital; and that this would make it easier to continue the struggle for the "right of return" of between one and two million Palestinians to pre-1967 Israel, which they still regarded as their homeland.

Yet no Israeli government, not even the most leftist or the most dovish, would be able to accept such an outcome. Nor (despite the provision in the agreement of an interim period of autonomy) did the PLO have any intention of waiting for full sovereignty or settling for anything less. Therefore, the likelihood was that the deal would fall apart at an earlier stage, dashing the unrealistic expectations it had recklessly raised on both sides, bringing bitter and angry disappointment to Israelis and Palestinians alike, and leading not to peace but to a full-scale and very bloody showdown.

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Are Parents Bad for Children?

Dana Mack

Not so long ago, parents were generally looked upon as repositories of wisdom and rectitude, and they were the unchallenged custodians of their children's welfare. But today parents are relentlessly assailed as abusive, and unworthy of their authority over children.

Just take television, where last season alone, Americans have seen and heard countless tales of parental cruelty and lasciviousness—child beatings, sexual molestations, and even murder. From the testimonials of the Oprah Winfrey show, to the movie *Child of Rage*, to the *Prime Time* segment devoted to "Satanic Child Abuse," TV has spread the disconcerting impression that everywhere sick and/or evil parents are brutalizing the young lives so carelessly entrusted to their care.

TV, however, is neither the author nor the major panderer of this view of parental behavior. For well over a decade now, a number of personal confessions coming from celebrities and especially their children—such as the memoirs of Joan Crawford's daughter, and of the former Miss America, Marilyn van Derbur—have fostered a ferocious image of parenthood. These confessions seem to have convinced the American public that behind even the most glamorous lives lie tawdry sagas of family violence and depravity.

On top of these, the "parenting" sections of bookstores have been flooded with child-rearing tomes portraying parents as lethally dangerous. A recent visit to one Barnes & Noble outlet revealed no fewer than 84 current titles on the subject of child abuse—many of them best-sellers, and almost all boasting authors with fancy academic credentials.

Then, too, there is an exploding "self-help" literary genre which specializes in parent-bashing. Perhaps the best-known example is Susan Forward's *Toxic Parents* (1989). Forward, one of the first psychotherapists to charge that there is widespread child abuse going on in America, has made a veritable science of ferreting out ways in which parents can oppress children. The behavior she assails in her book as "abusive" ranges all the way from incest to occasional moralizing, from life-threatening beatings to the demand that children show up for Christmas dinner. Whether horrific or harmless, every parental demand is treated by Forward as a display of power hunger. Subtle psychological pressures, in her view, can be just as destructive as brutal beatings. "Many civic authorities," she warns, "have come to recognize the need for new procedures to deal with . . . physical and sexual abuse. But even the most concerned authorities can do nothing for the verbally-abused child. He is all alone."

A more recent book, Claudette Wassil-Grimm's *How to Avoid Your Parents' Mistakes When You Raise Your Children* (1990), indulges in less gruesome imagery than the forbidding skull-and-bones metaphor of *Toxic Parents*. But it offers an even broader definition of parental impropriety. According to Wassil-Grimm, children are ruined not only by parental substance abuse, mental illness, divorce, and desertion, but also by parental "overworking," "overeating," "overspending," "moodiness," "illness," and even "death."

Lest any parents come away from Wassil-Grimm still believing their family records clean, a number of books will divest them of their smugness—particularly those exposing the double-edged sword of parental affection. One such, published in 1990, bears the provocative title, *When Parents Love Too Much*, and is written by Mitch Meyerson, a family therapist, and Laurie Ashner, an educator. Here are horror stories of parents who purchase apartments for their children, help them find jobs, render judgments on the characters of their suitors. Such parents, the authors declare, cleverly deceive themselves and their children into thinking they are generous and loving, when what they really are is "controlling" and "manipulative."

Another volume, also published in 1990, bears the titillating title, *The Emotional Incest Syndrome: What to Do When a Parent's Love Rules Your Life*. Here, Patricia Love, a doctor of educational psychology, mercilessly prosecutes parents who are not quick enough to detach themselves from their offspring. These parents, it seems, promote insidious syndromes of "codependency" that recur generation after generation. Among other crimes, they may have educated their chil-

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dren at home, they may have spent time with them in the pursuit of common interests and hobbies, and—worst of all—they may have taken them into their beds for cuddles. It is all too easy, says Love, to trespass into that danger zone of family life where love becomes "overinvolvement." Parents must watch themselves; for they are a source of incalculable emotional anguish to children who, even in adulthood, cannot wrest independence from them.

WHEN one stops to consider that the parents now derogated as so abusive are for the most part those who raised the baby-boom generation, one's head can begin to spin. For the baby boomers grew up in a charmed era for children—an era in which a truly gentle child-rearing ethos began to permeate society at all levels.

At the source was Freud, whose discoveries had given rise to the idea that, as early as infancy, parental mistakes could wreak lifelong damage upon a child. Then came Dr. Benjamin Spock, the pediatrician whose book, *Baby And Child Care* (first published in 1945), exerted a greater influence over the parents of the first postwar decades in America than any other. The key to raising happy children, said Spock, was to relinquish the "biblical" model of parenthood and relieve children of those pressures of parental power and authority which supposedly created dependent and inhibited adults. Traditional discipline—with its harsh sting of anger and reprobation—was Spock's great bugaboo. In *Baby and Child Care*, for example, he suggested that parents might respond to school-age stealing by "thinking over" whether their child might "need more . . . approval at home," and even a raise in allowance!

It is important to recognize the extent to which Spock and his disciples stood the ideal of good parenthood on its head. For them, "good" parents were not those who got their children to behave, but those who understood why their children might *not* behave. Good parents did not depend upon wielding power in rearing their children. They did not demand; they did not rage; they were careful not to react to provocation with anger. Rather, they empathized with the arduous process of psychic development, and coped with—rather than fought—the passing stages.

Much of the popular child-rearing advice that followed Spock's amounted to an elaboration of this essentially psychoanalytic model of parenthood. The most famous child-rearing authors of the late 60's and early 70's, Haim Ginott and Thomas Gordon, wrote their books at a time when the baby boomers had grown into rebellious teenagers, and were testing parental tempers to the limit. Ginott and Gordon advised that parents try to bridge the generation gap with therapeutic and counseling techniques—that they turn themselves, in effect, into therapists.

Thus, the traditional arsenals of parental authority—shouting, chiding, slapping, and threatening—were no longer regarded by "enlightened" thought as immutable prerogatives for making kids behave. In fact, this new attitude had long since spread into education, social work, and even the mass media. Parents who continued to rely on physical punishment or verbal rebuke as means of child management learned from such TV shows as *Father Knows Best* and *Leave It to Beaver* that a powerful cultural elite considered them backward.

Not surprisingly, this permissive school was due to come in for some criticism. The late 60's and early 70's were, after all, a period when a fair number of people who had granted their children "voting rights" and power to negotiate all the household rules found themselves forced to rescue these same children from the dreadful embarrassments of drug busts, religious cults, and arrests for political subversion. Indeed, by the 80's, faced with statistical evidence of ever-rising substance abuse, violence, delinquency, and teen pregnancy, a new school of child-rearing experts was calling for a return to more authority and discipline in child-rearing.

Not that the theorists of the so-called "assertive-discipline" school relinquished the therapeutic notion that children who misbehaved were unhappy rather than naughty. Nor were they prepared to give up on the idea of parenthood by social contract rather than by natural authority. Demanding obedience, displaying anger, spanking, reproving, or moralizing, the new theorists continued to make clear, were ignoble ways of managing children.

What then should parents do? They should "withhold friendliness" or "remove special privileges" when their children acted up, and they should "encourage good behavior with rewards . . . and with promises of more rewards." So advised a slew of new books on the subject of "assertive discipline." Their model was the personnel-management techniques of the workplace.

THE "assertive-discipline" school of child-rearing still boasts a number of adherents today, especially among teachers and behavioral psychologists. But it, along with the Spock-Ginott line, has been eclipsed by the work of a Swiss psychoanalyst, Alice Miller. Two of Miller's books, *For Your Own Good: Hidden Cruelty in Child-Rearing and the Roots of Violence* and *Thou Shalt Not Be Aware: Society's Betrayal of the Child* (the first published here in translation in 1983, and the second in 1984), dealt shattering blows to the optimistic notion that parents, with a few tips, could be taught to raise their children without doing them permanent harm.

Miller presented the analytic community with

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a devastating critique of modern advice for parents. Parenthood, Miller insisted, was not a rational, conscious process dictated by a set of beliefs about how children should be raised. It was an unconscious power struggle between adults and their children, and one which invariably ended with the former emerging victorious and the latter crushed.

The roots of all hatred, violence, and criminality, Miller argued, were to be traced to one source and one source alone: the pathological acts of sadism perpetrated every day, and in every home, by parents on their children—regardless of their child-rearing philosophy. Parents could not *choose* to be good or bad. For they were unwitting slaves to the dark secrets of their own childhoods.

"The individual psychological stages in the lives of most people," Miller wrote, "are . . . to be hurt as a small child, . . . to fail to react to the resulting suffering with anger, to show gratitude for what are supposed to be good intentions, . . . [and] to discharge the stored-up anger onto others [namely, one's own defenseless children] in adulthood. . . ."

According to Miller, even parents who never uttered a harsh word, much less raised a hand to their children, visited upon them unbearable psychological pain and cruelty. By the mere exercise of their instincts, parents promulgated a process of submission to authority and self-denial that amounted to "soul murder." Thus was a legacy of abuse haplessly transmitted from generation to generation, with neither parents nor children aware of its cruelty. Religion, education, even psychoanalysis, she charged, encouraged children to idealize parents for mistreating them, and the child-rearing conventions of Western culture congratulated parents for abusing their offspring in the names of discipline and civilization.

One might expect that in attempting to support a psychoanalytic theory so new and so radical, a theory that posed the existence of a crime inherent in parenthood—"soul murder"—Miller would call upon her clinical records. But, pleading discretion, she disdained the obligation to produce empirical proof of this parental crime from her own patients' histories. One wonders if the real reason for her reticence was that she considered the lives of her patients too banal, their sufferings too quotidian, or their diagnoses too commonplace to lend her argument the resonance she wanted it to have. In any event, the case histories she called to account were almost exclusively those of well-known personalities, with Adolf Hitler leading the parade.

Thus Miller traced Hitler's monstrous deeds to childhood thrashings. In persecuting the Jews, Miller contended, Hitler reenacted the crimes perpetrated against him by his father, who had in turn been mistreated by his own father. "The fact that Hitler had so many enthusiastic followers," she added, "proves that they had a personality structure similar to his . . . and a similar upbringing."

By setting up Hitler as a casualty of a despotic parent, and Nazi terror as a reenactment of child-rearing conventions, Miller, whether deliberately or not, offered an apology for German political sins. But she also rendered a portrait of German family life as a veritable seedbed of Nazism. The Germans, she said,

> had been raised to be obedient, had grown up in an atmosphere of duty and Christian virtues; they had to learn at a very early age to repress their hatred and their needs. And now along came a man who did not question the underpinnings of this bourgeois morality, . . . someone who . . . put the obedience that had been instilled in them to good use, who never confronted them with searching questions or inner crises, but instead provided them with a universal means for finally being able to live out in a thoroughly acceptable and legal way the hatred they had been repressing all their lives.

In short, "bourgeois" family life "could well be characterized as the prototype of a totalitarian regime."

YET criminals, Miller contended, did not only emerge, as Hitler did, from homes where they were subjected to consistent physical brutality at the hands of unloving parents. Criminals were also bred in circumstances where parents interspersed much subtler tortures with expressions of love.

It was this insidious interplay of parental love and hate that for Miller lay at the foundation of most antisocial behavior. The seemingly arbitrary combination of restrictions and indulgences, humiliations and caresses, spankings and kisses that parents dealt out to children confused, demoralized, and terrified them. Even the most gruesome of criminal acts were simply recastings of the precipitous pains and pleasures to which parents all too commonly subjected their children—reenactments of the at-once violent and erotic drama of childhood as distilled in the child's psyche.

To demonstrate the evil repercussions of this love/hate dynamic, Miller summoned the example of a sex criminal by the name of Jürgen Bartsch.

Between the ages of sixteen and twenty (1962-66), Bartsch, the adopted son of a butcher in Essen, Germany, murdered four little boys. First he lured them into deserted air-raid shelters, then beat them, then tied them up with a butcher's string, then manipulated them while masturbating himself, and then killed them with a butcher's knife—cutting open their bodies and emptying from their cavities whichever organs he happened to be obsessed with at the time. It was during this prolonged activity of smelling the warm, freshly cut flesh, Bartsch confessed during

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police questioning, that he experienced orgasm.

For this creature of hell, Miller urged compassion: "Once we have become familiar with the mechanisms that turn child-rearing into a form of persecution . . . and we realize the powerful effect these mechanisms have on the individual, . . . we see in the life of every 'monster' the logical consequences of childhood."

Miller blamed Bartsch's mental state entirely on his parents. His horrific "repetition compulsion" derived from the combination of injunctions and punishments, indulgences and displays of affection, to which his parents had subjected him throughout childhood. For human beings were not born to such outbursts of violence as Jürgen Bartsch's. They were *instructed* in these horrors by adults who, by virtue of their child-rearing and disciplinary practices, were the mortal enemies of public safety and world peace.

"Until the general public becomes aware that countless children are subjected to soul murder every day and that society as a whole must suffer as a result," Miller wrote, "we are groping in a dark labyrinth, in spite of all our well-meaning efforts to bring about disarmament among nations."

An enthusiastic reception of Miller's ideas in the American academic community had long been prepared. Her depiction of bourgeois family life as an authoritarian political model was already quite familiar to social thinkers here from the writings of the neo-Marxist scholars of the Frankfurt School. But what was to guarantee the success of Miller's ideas among the broader public was not their affinity to an academic school of thought, or the sponsorship of several stars of the therapeutic world—among them the renegade Freudian, Jeffrey Masson. It was their ready *solution* to the putative evils of family life.

While theorists of the family who came before Miller seemed unable to offer any remedy for its shortcomings except social revolution, Miller promised more immediate help through the "inner revolution" undertaken on the psychoanalytic couch. Psychoanalysis, she proposed, must concentrate on helping patients release their pent-up "narcissistic rage" against the parents who had mistreated them. Patients who by means of psychoanalytic catharsis reexperienced the sources and intensity of their childhood angers and resentments could then disengage themselves from the impulse to victimize their own children as they themselves had been victimized.

Still, Miller was relatively difficult to read, and she needed the help of a popularizer if her ideas were to be widely disseminated. Such help came five years after the English-language publication of *For Your Own Good*, in the person of John Bradshaw. Talk-show host, television producer, management consultant, best-selling author, Bradshaw brought Miller's ideas forward in a version bound to appeal to the sensibilities of a mass audience.

In his ten-week PBS series and his book, *The Family* (both 1988), Bradshaw asked, after Miller: "How Could Hitler Happen?" And he presented an answer as succinct as anyone could take from a thorough reading of *For Your Own Good*: "Hitler and Black Nazism are a cruel caricature of what can happen in modern Western society if we do not stop promoting and proliferating family rules that kill the souls of human beings." What rules? Rules of "obedience" and of "submission" to parental authority.

"Soul murder," Bradshaw continued along Miller's line, was the most "basic" problem in the world. It was not simply Germany's problem. Americans, he alleged, pointing to Jonestown and Mylai, were also victims of the "poisonous pedagogy" (Miller's phrase) of obedience. Even the most enlightened of modern American parents always fell back on "authoritarian" roles in times of "stress" and "crisis." And it was in these times that they crushed the souls of their children. Indeed, "soul murder" was something that happened, according to Bradshaw, in 96 percent of American families.

Again basing himself on Miller, Bradshaw claimed to be able to reverse the process of "soul murder" by means of what he called a "revolutionary method of self-discovery and spiritual renewal." This method would return adults to that "true" childhood self which had been so cruelly crushed by their parents. Though he suggested therapy as the best way to get to the bottom of the circumstances surrounding one's own loss of self, he intimated that his TV show and book—a "healing" program based on the twelve-step program of Alcoholics Anonymous—could substitute, in a pinch, for a more personalized therapeutic experience.

Bradshaw's work has become a model for the many volumes on the subject of family disorders and child abuse which have appeared in the last five years—the same ones that crowd the self-help shelves of bookstores with such titles as *Soul Survivors*, *Pockets of Craziness*, and *Twelve Steps to Self-Parenting*.

Typically, the readers of these books are presented with a few checklist quizzes. Did their parents do things to them that had to be kept secret? As children, were they afraid of their parents? Did their parents ever use physical punishment to discipline them? Did their parents control them with threats or guilt? Did their parents ever ignore their needs? Did their parents ever tell them they were rude, stupid, or worthless? Did they feel that no matter what they did, it wasn't good enough for Mom and Dad?

If readers can answer yes to even a few of these questions, they are told that they may well have been abused.

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Readers are then steered through a longer account of parental sins and disorders. Should they not recognize their own parents among the manifold profiles of child-beaters, rapists, criticizers, controllers, substance-abusers, or love-smotherers, they are reminded that the self reading this book is (in Bradshaw's words) the "false" or "lost" self—the self that denies parental depravity and childhood suffering, the self that therapists, too, until their recent enlightenment, have suppressed. The "real" self, the victim of "soul murder," is still too weak to confront the abuse that has been heaped upon it. The cure therefore lies in coming to grips with this long-denied or totally forgotten reality.

THIS entire complex of ideas has spread with such astounding success as to have become the dominant impression of family life in contemporary American culture. It has also led to a rash of accusations of sexual abuse against parents by grown children—accusations which (as is more and more coming to be recognized) are at least as likely to be the result of therapeutic suggestion as of actual abuse. Here, then, we have a 180-degree turn in psychotherapeutic theory. Freud tended to believe that memories of childhood abuse were fantasies; now such memories are automatically assumed by many therapists to be true. And even when *no* memories exist, patients are often induced by therapists to dig them up. The consequence has been embittered and broken family ties, with no one knows how many innocent aging parents now denounced for crimes they never committed.

Another consequence of the new ideas has been an explosion of communal activism and publicity intent on convincing parents of the present generation of their need for therapeutic help. In my own community—a small town in Fairfield County, Connecticut—invitations to join parent "support groups," to attend lectures on parental "styles" and "stresses," to take advantage of the services of school psychologists and social workers, and particularly to avail oneself of information on "codependency" and "abuse," flood mailboxes and constitute a good portion of the literature sent home with children from the public schools.

Even parents' magazines propound the by-now popular view that conscientious mothers and fathers will seek help from psychotherapeutic resources as a preventive measure in child-rearing. Recently, a publication specializing in advertisements for birthday-party entertainment and nanny-referral services goaded parents to consider the benefits of family and twelve-step therapy, whether there were problems at home or not. Pointing to the ever-increasing suicide rate among teenagers, the article blamed parents who had not submitted themselves to the psychotherapeutic experience, declaring, in the spirit of John Bradshaw, "If we live in America in 1992, we are more than likely the product of a dysfunctional family system, carrying our pain into our new family."

Children, too, are being targeted. My community newspaper recently printed a front-page article advertising the hotline services of a nearby Kids-in-Crisis center. The center expects children to call not only in cases where they are physically maltreated or demoralized by family conflict, but also when they might simply be "afraid to go home because of a problem at school"—that is, when they are looking for someone to defuse the force of parental discipline. Teachers also now commonly set aside daily or weekly time for the purpose of unveiling the specters hanging over each child—from the high tragedy of parental desertion to the low comedy of resented bedtimes.

Most of the time, such exercises in the confessional mode are performed within the context of "comprehensive-health" or "life-skills" curricula mandated by state governments. These programs instruct children in the delicate subjects of pedophilia, alcoholism, drug addiction, and other dangerous negative propensities of adults—and this introduction to the big, bad world of grown-ups begins in kindergarten.

For example, the *Here's Looking at You, 2000* comprehensive-health curriculum, now used in thousands of school districts throughout the nation, features a cuddly parrot puppet by the name of Miranda who instructs children in almost all the ins and outs of family pathology. In the opening lesson for second grade, Miranda implies that when adults scream at children, it usually means they have had one too many bottles of beer. Through songs, stories, films, and "role-playing," she encourages kids to check the family cupboards for alcohol, nicotine, and other "poisons," share their "feelings" about the "war" that is their "home life," and confess "problems at home" by "writing secret messages" to the teacher.

My own eight-year-old worries now that her parents drink wine with dinner, that our marital spats will lead to divorce, and that we lack the wherewithal to handle an emergency properly. For that eventuality, she has memorized a host of 1-800 numbers given to her by her teacher.

WHAT is most bizarre about all this is that there is no evidence that child abuse has reached epidemic proportions in America. True, between 1976 and 1993, *reports* of child abuse skyrocketed from 669,000 to nearly three million a year. Yet less than 40 percent of these each year are substantiated. According to Douglas J. Besharov, founding director of the National Center on Child Abuse and Neglect, around 80 percent of substantiated cases of child maltreatment pose no serious physical danger. In

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fact, only 3 percent of all substantiated reports involve an injury requiring medical attention.

But not even "substantiated" child-abuse cases can be taken at face value, since they have in recent years run the gamut of what most of us would consider pretty innocuous practices. Parents have actually been convicted of such "crimes" as restricting television viewing, or taking a child out of school for a few days for reasons unacceptable to school authorities. Even those parental foibles which used to be the object of good-natured jibes—chastising too much, demanding too much, worrying too much—are now widely depicted as abusive.

Is, then, the veritable hysteria over child abuse perhaps a symptom of increased sensitivity to the welfare of our children? Not according to Richard Elkind, who argues in his interesting book, *The Hurried Child* (1988), that the underlying impetus of the movement to "liberate" children from parental control and impositions has little to do with concern for the welfare of children. On the contrary, he writes, "Our new family styles (divorce, single parenting, two-parent working families, and blended families) make it next to impossible for the majority of parents to provide the kind of child-rearing that goes along with the image of children as in need of parental nurture."

Here we may have the key to the puzzling obsession with child abuse: by imagining that even their own highly permissive parents were authoritarians who abused them; by buying into the theory that parenthood is inherently pathological; and by assuming the competency of schools and communal institutions to raise children or, worse, of children to raise themselves—the notoriously self-regarding baby-boom generation, now become parents themselves, can also imagine that they are doing the right thing in failing or refusing to accept full responsibility for the physical care and the moral education of their own children.

None of this is to deny that far too many children in contemporary America suffer—as children everywhere have, from time immemorial—the whims of ill-willed, immoral, vindictive, and even vicious parents; nor is it to deny that many small cups are filled to the brim with bitter oppression. But the truth is that many more children among us suffer from the opposite offense. For if there is a widespread criminal disposition to be feared in the current generation of parents, it is not their tendency to exceed the proper limits of their authority; it is their readiness to abdicate the parental role. And indeed, according to the National Center on Child Abuse and Neglect, parents today are far more likely to neglect their children than to abuse them. Which, no doubt, explains why there has been so much talk about abuse and so little about neglect.

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Creeping Talbottism

George Weigel

WHEN it took office last year, the Clinton administration's conception of America's responsibilities in the world seemed to be an extension of the 1992 campaign's most memorable slogan—the *bon mot* attributed to Clinton's campaign manager, James Carville: "It's the economy, stupid." Absent the disciplines imposed on all previous postwar Presidents by what John F. Kennedy had called the "long, twilight struggle" against Communism, and given the President's campaign pledge to focus his attention on the economy "like a laser," it came as no real surprise that the Clintonites were most attracted to international issues that could be tied directly to questions of American economic self-interest.

Judged by its own standards, Carvilleism had its moments of success in 1993—passage of the North American Free Trade Agreement (NAFTA), as well as the alerting of Americans to the rising importance of our East Asian trading partners. But the gross inadequacy of economic solipsism as the conceptual framework for foreign policy was fully revealed when the Clinton administration faced its first tough call on the strategic design of the post-cold-war world order: namely, whether to accept the urgent request of several new democracies in East Central Europe for membership in the North Atlantic Treaty Organization (NATO).

BY EARLY 1993, as the hard road to political and economic freedom grew ever more rutted in Russia, it became clear to Poland, the Czech Republic, and Hungary (the three former inmates of Stalin's external empire who had most successfully consolidated their transition to democracy and the market) that the best hope for the security essential to their further economic and political progress lay in joining NATO.*

This sense of urgency in the "Visegrad Group" (named for the small town outside Budapest where these countries first formulated plans for regional cooperation in 1991) was heightened by the powerful showing in last December's parliamentary elections in Russia, both of ex-Communists and of the ultranationalist and neofascist forces under the leadership of the demagogue, Vladimir Zhirinovsky.

It was not, however, Zhirinovsky's emergence onto the world stage that precipitated the Visegrad Group's request for NATO membership. Rather, Zhirinovsky intensified concerns that were already present. Nor were these concerns simply the phantoms of overwrought politicians in notoriously volatile *Mitteleuropa*. They were, in fact, based on disturbing evidence that elements *within* President Boris Yeltsin's reform coalition were not immune to the siren song of Russian neoimperialist assertion that too many Western observers (and public officials) identified solely with the ultranationalists and neofascists.

Exhibit A on this front was the new official Russian military doctrine promulgated in November, presumably with the support of those senior officers who had supported Yeltsin during his bloody confrontation with the old Russian parliament the previous month. In addition to rescinding the former USSR's pledge of "no first use" of nuclear weapons, the new doctrine threatened nuclear retaliation against a conventional attack from any country allied with a nuclear-armed state. This was a not-so-subtle shot across Turkey's bow, to be sure, but it was also an unmistakable warning to Poland (of the East Central European democracies, the closest to Moscow, and thus the most vulnerable) not to join NATO.

The new doctrine also resuscitated an old bogey by warning of the "considerable" danger that "local conflicts" in the territory of the late Warsaw Pact "might be used as an excuse" for a NATO attack on Russia. Further, the doctrine asserted Russia's right to intervene militarily in the new republics of the post-Soviet Confederation of Independent States(CIS), either to restore stability or to protect ethnic Russians resident in those lands. Threats to these Russians were described by the doctrine as a military threat to the security of Russia itself.

Some might argue that this muscle-flexing does not necessarily indicate a neoimperialist re-

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* The same judgment was shared by many other political leaders in Central and Eastern Europe, most notably in the new republic of Slovakia, but also in Lithuania and Romania. But Poland, the Czech Republic, and Hungary pressed the issue of NATO reconstruction most consistently, and it is on them that I focus here.

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crudescence in Russia; it might, rather, simply be the normal behavior of military chieftains uncertain of their future and eager to reassure their troops (and themselves) that history has a role for them. But such a soothing interpretation quickly runs aground on the rhetorical and paper trail left in recent months by Yeltsin's Foreign Minister, Andrei Kozyrev.

Kozyrev laid out the basic terms of a new Russian geopolitical *Weltanschauung* in an article published in *NATO Review* in February 1993. There, he argued that the Russian Federation was the natural successor state to the old Soviet Union; that Russia could and should "painlessly" take the late USSR's place in all international organizations and forums; and that this would "help to create a distinctive zone around Russia of good neighborly relations and cooperation." And, because "the Confederation of Independent States brings together people who have been linked to Russia for centuries," the "entire geographic area of the former USSR" constituted a "sphere of vital interest" for Russia.

Kozyrev went on to hint, later in the year, that the Russian "near abroad"—what the Foreign Minister was also given to describing, on occasion, as Russia's "special and exclusive sphere of influence"—did not stop at the former USSR's borders; it also included the countries of the old Warsaw Pact. Thus in August, Kozyrev maintained that "East Central Europe has never ceased to be an area of interest for Russia." This curious historical claim (when, prior to 1945, was Prague within Russia's sphere of interest?) he combined with an admonition to the new democracies of the region not to form any alliance among themselves in lieu of, or en route to, NATO membership. The new democracies, Kozyrev warned, "should not become a new 'little entente,' a buffer, which could be crushed at any time."

Finally, in late 1993, Boris Yeltsin wrote a letter to the leading NATO powers in which he seemed to propose what to many in Central Europe—and not there alone—sounded like Yalta II. According to Yeltsin, Russia "would be willing—together with NATO—to officially offer [the new democracies of East Central Europe] security guarantees . . . [that] could be enshrined in a political declaration or a treaty of cooperation between the Russian Federation and NATO." Yeltsin further said that "the relations between our country [i.e., Russia] and NATO should be several degrees warmer than the relations between the alliance and Eastern Europe." And he declared that even "moderate circles" in Russia would regard the inclusion of the new East Central European democracies in NATO as threatening a "new kind of isolation for our country."

THE Clinton administration paid little public attention to these developments or to the increasingly urgent distress signals coming from the Visegrad Group until it was forced to do so late last year by two unavoidable realities: the Zhirinovsky phenomenon and an impending NATO summit conference in Brussels, which the President was committed to attending in January 1994. In the run-up to the NATO summit, a fierce argument over NATO reconstruction reportedly broke out within the administration. On one side were those who wanted to admit the Visegrad Group into NATO in short order. On the other were the believers in a "Russia First" policy shaped and championed by the former *Time* correspondent, long-time Friend-of-Bill, ambassador-at-large to the former USSR, and suddenly Deputy Secretary of State-designate, Strobe Talbott.

In Talbott's view, the central strategic imperative at this juncture in history was essentially negative: take no action that would, by inflaming nationalist passions, tip the delicate balance in Russia against Yeltsin. "Moving NATO's border East" was, on this reading of things, likely to do just that. But the administration, whose wiser heads were already worried about NATO's future in the wake of the alliance's inability to forge a coherent policy on Bosnia, evidently realized that something had to be done for the new democracies clamoring to be America's friends. And so an alternative to NATO membership was devised. A Partnership for Peace (PFP), including joint military exercises and training with NATO troops, would be offered to the Visegrad Group, and indeed to all the former states of the Warsaw Pact and the late USSR.

PFP was not quite so hollow as some of its most vocal critics (not least the Polish President, Lech Walesa) charged. Were it taken seriously by the NATO political and military leadership, and were sufficient Western aid forthcoming, PFP could provide the occasion for a significant upgrading of Czech, Polish, and Hungarian defense capabilities, such that any future security arrangements with these countires would strengthen, rather than incrementally weaken, NATO's capabilities. The Czech President, Václav Havel, also seemed to believe that Clinton's blurry assurance at the Brussels summit that PFP "sets in motion a process that leads to the enlargement of NATO" could be seized upon in order to hold American and West European leaders' feet to the fire, and hence to prevent PFP from deteriorating into a mere political dodge.

But PFP's lack of any defined criteria for NATO membership, and the absence of any timetable for the incorporation of new NATO members, left the post-Brussels correlation of forces (to borrow an old Soviet term of art) almost exactly where it had been at the end of last year. No new strategically significant facts on the ground had been created; Russian assertiveness toward East Central Europe had not been challenged; Russian leaders could reasonably imagine that they had achieved a tacit veto over any reconfiguration of NATO; British and French squeamish-

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ness on the question of NATO enlargement had been rewarded, and the firmer German posture largely ignored; and little had been done to alert American public opinion and the Congress to the hard strategic fact that the peace of Europe, in which the United States has a direct national-security interest, might be in jeopardy, and not only in the Balkan hinterlands.

Which is to say that Talbottism had carried the day, replacing Carvilleism as the administration's lodestar on matters of foreign policy, at least in Europe.

II

TALBOTTISM represents any number of things. It is, in some respects, a curious throwback to an earlier era: a form of the higher cronyism in which the President and his generational peers (who not infrequently exhibit the sense of superiority that the young of the 60's so notoriously felt) seem to imagine themselves in the roles of Truman, Kennan, Acheson, Bohlen, Harriman, McCloy, and Lovett in a remake of the "Wise Men" of the late 40's. Talbottism's intense focus on Russia also reflects Strobe Talbott's own love affair, with which many will empathize, with the Russian language and Russian literature—a passion that friends report as dating back to his prep-school days.

But what Talbottism represents analytically and strategically is the triumph, for the moment, of a liberal-revisionist view of the history of the cold war, now retooled for policy-making in a post-cold-war world.

During his tenure at *Time*, Talbott was never a mere reporter. Rather, he was a prolific exponent of cold-war revisionism—a position he expressed with few cautionary qualifications in a lengthy essay he contributed to *Time*'s January 1, 1990 issue anointing Mikhail Gorbachev as "Man of the Decade."

"For more than four decades," Talbott wrote, "Western policy [had] been based on a grotesque exaggeration of what the Soviet Union could do if it wanted, therefore what it might do, therefore what the West must be prepared to do in response." Indeed, NATO "scenarios for a Soviet invasion of Western Europe . . . always had a touch of paranoid fantasy about them." Moreover, the American "obsession" with the cold war fed an "arithmetic of fear," which was intensified by an "ideological multiplier" that led, on occasion, to "paroxysms of Spenglerian gloom" about the future of the West. As for Soviet military capability:

> The big red military machine may still look formidable from 22,000 miles up, the altitude from which American spy satellites snap pictures of armored columns on maneuver. But at ground level, the Soviet army looks more like a lot of bewildered seventeen-year-olds . . . bouncing around in the back of clunky trucks on potholed roads leading nowhere.

In sum:

> The doves in the Great Debate of the past 40 years were right all along. . . . If the Soviet Union had ever been as strong as the threatmongers believed, it would not be undergoing its current upheavals. Those events are actually a repudiation of the hawkish conventional wisdom that has largely prevailed over the past 40 years, and a vindication of the Cassandra-like losers. . . .

This view of things—not even slightly chastened by the events that prepared, and then consummated, the Revolution of 1989 in East Central Europe—involved four other judgments that shape Talbottism today, and through Talbottism, the foreign-policy strategy of the United States.

First, and in terms of the recent debate over NATO reconstruction, Talbottism seems to reflect the notion that Yalta ratified a rather natural division of Europe into "West" and "East." And given the collapse of the Berlin Wall and the Warsaw Pact, this historical-cultural judgment lends itself without too much analytical ado to the notion of an expansive Russian sphere of influence on the Continent. But such a relaxed acceptance of the dyad of "Western Europe" and "Eastern Europe" (a phrase of Stalinist provenance, by the way) ignores some basic facts of geography and culture.

Prague, for example, is some 150 kilometers *west* of Vienna; if the Czech Republic constitutes "Eastern Europe," one wonders what happened to Central Europe. A similar question would be instantly raised by the Poles, whose culture (embodied, for example, in their use of the Latin alphabet and their intense Roman Catholicism) has oriented them toward the West for a thousand years.

To minimize the historic cultural affinity of Poles and Czechs—and Hungarians—for the West is not only off-putting to the parties involved; it also debases the currency of an enormous strategic asset. And this problem is further exacerbated by the second component of Talbottism: its general lack of "feel" for the moral claims of these newly free societies.

In his Brussels speech to the NATO summit, President Clinton did make mention of the heroic struggle for freedom that had animated the human-rights resistance during the 1980's and that had eventually produced the Revolution of 1989. But perhaps out of a sense of embarrassment at Western indifference to East Central Europe since 1989, and also, one assumes, for fear of giving politically-incorrect offense to the side that lost the cold war, the theme of freedom's hard-won moral victory over totalitarianism was not stressed.

Such tone-deafness is not without ideological, and hence political, significance. Ideologically, it is an extension of the "moral-equivalence" sensibility, which was given its classic cold-war formulation by Paul Warnke (Jimmy Carter's arms-con-

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trol negotiator and a key source for a book Talbott wrote on Salt II) in his image of the United States and the Soviet Union as "two apes on a treadmill," mindlessly caught in the trap of the "arms race." That image, in turn, reflected, not a value-neutral *Realpolitik*, but a diminished sense of the moral worthiness of the West: a prominent theme of the 60's "movement" that shaped the politics both of Talbott and his Oxford roommate, Bill Clinton.

NO DOUBT the President and his old friend have tempered their Vietnam-era views somewhat in the ensuing years; both are intelligent men, committed to maintaining their viability in the mainstream of American public life. Still, like Talbott, the President seems to find the mental habit of "moral equivalence" hard to break. Thus, in his January press conference in Moscow, Clinton described possible Russian interventions in the "near abroad" as not dissimilar to U.S. actions in Grenada and Panama in the 1980's.

Their old, and evidently persistent, inability to grasp, much less acknowledge, the real civilizational stakes in the cold war hardly prepares Clinton and Talbott to deal intelligently and sympathetically with the new East Central European democracies. The leaders of those democracies, after all, recently staked their lives, their fortunes, and their sacred honor (as an earlier generation of Americans put it) on the moral, as well as economic and political, superiority of Western institutions.

Beyond that, Talbott's "balanced" view of the cold war, and the sharp critique of containment on which it is based, has surely influenced his rejection of what he terms "neocontainment" on the grounds that any NATO reconfiguration would constitute, not an enlargement of the sphere of European democratic stability, but another threat to Russia.

Politically, Talbottism's apparent lack of appreciation for the accomplishments of the East Central Europeans over the past decade also bodes poorly for the future. As is clear from the very title of his most recent book (*At the Highest Levels: The Inside Story of the End of the Cold War*), Talbott does not regard "the end of the cold war" as having had very much to do with the revolution from below that toppled, first, the regimes of the old Warsaw Pact and, ultimately, the USSR itself. Rather, in Talbott's world, "the end of the cold war" was what happened in negotiations between the Bush administration and the Gorbachev regime. Whatever else might be said of such a perspective, a U.S. foreign policy guided by it will not focus much of its energies on what many observers believe is the *sine qua non* of democratic and market reform in formerly Communist countries: strengthening the sinews of civil society.

Talbott's shrill criticism of Western "paranoia" and "threatmongers" during the cold war is also of more than antiquarian interest. For (and here we come to the third problem) Talbottism's historical myopia about the danger that Communism posed to the West may well inform a potentially disastrous and shallow misreading of precisely how much damage Communism wrought in Russia itself over 75 years.

Communism, it has to be emphasized time and again, was not simply traditional tyranny wedded to modern technological means of social control; Communism was also a metaphysic, an ethic, and a world-historical view, all of which legitimated the fantastic damage that it did to Russia's economy, to Russia's ecology, and, finally, to Russian souls.

Hence, to suggest, as Talbottism does, that Russia is capable of playing a great-power role in Europe (and elsewhere) today not only lays the groundwork for mischief (and worse); it is in fact a grave disservice to the Russian nation. For it gives a green light to what can only be regarded, objectively, as an enormous distraction from the already Herculean task of national reconstruction that ought to be absorbing the great energies of the Russian people. But, of course, a generally tolerant view of Russian neoimperial assertiveness is precisely what one would expect from a man who thought there was something to the old Soviet saw about NATO "isolating" or "encircling" Russia.*

Lastly, Talbottism tends to minimize the importance of military capability today, just as Talbott and his fellow arms controllers did during the 1970's and 1980's. In his view of recent history, NATO force modernization (including the bitterly contested deployment of Pershing II and cruise missiles in Western Europe) had little or nothing to do with the West's winning the cold war; neither did SDI. Nor did NATO's conventional forces perform any serious work of deterrence. As we have seen, Talbott believes that concerns about a Soviet conventional attack toward the West exhibited a "touch of paranoid fantasy."

The distortion of history aside, such an interpretation hardly positions Talbott, or other exponents of Talbottism, to understand, much less to sympathize with, and still less to do something serious about, the security concerns of the Poles, Czechs, Hungarians, and others today. (One wonders what Talbott makes of the *Swedish* Defense Minister's recent call for increased defense spending in response to Russian rumblings.)

Nobody was about to invade Russia from the West during the cold war, any more than anyone is about to do so today. But so long as Russian political leaders are allowed to play on what real-

* Talbott, student of the "Wise Men," might ponder Dean Acheson's reply when asked, during a Senate Foreign Relations Committee hearing, whether NATO was a threat to the USSR: "Any nation which claims that this treaty is directed against it should be reminded of the biblical admonition that 'the guilty flee where no man pursueth.'"

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ly is something of a "paranoid fantasy," we will not be able to satisfy legitimate Russian security concerns without simultaneously acceding to the traditional Russian method of enhancing Russian security by subjugating others.

III

DESPITE the fact that he, too, seemed reluctant to celebrate the West's victory in the cold war, and notwithstanding his eagerness to buttress Mikhail Gorbachev's political position, George Bush was capable of both serious strategic thinking and hardheaded diplomacy on matters affecting Central Europe during his term of office. Faced with a situation with interesting parallels to the recent debate over NATO reconfiguration—the German drive for reunification, the strategic imperative of keeping Germany within NATO, bitter Soviet resistance to the latter idea, and skittish NATO partners—Bush doggedly worked the problem with America's allies, with the Germans, and with Gorbachev. In the end, the West got precisely what it wanted—and got it despite the historic Russian fear of a vigorous and unified German state in Central Europe.

Bush could have acceded to Gorbachev's initial demand that a unified Germany be a neutralized (i.e., non-NATO) Germany. These things are always "judgment calls," to use Clinton's phrase about his decision to propose Partnership for Peace rather than to move quickly toward the admission of Poland, Hungary, and the Czech Republic into NATO. But in this instance one also has to wonder about the judgments that led to the call.

In particular, one has to wonder about the administration's very definition of the problem as posing a hard choice between the concerns of the new democracies of East Central Europe and the "Yeltsin imperative" in Russia. By conceding false Russian claims about the dangers posed to Russian security by a reconstructed NATO, Clinton's "Russia First" policy and his Partnership for Peace strengthened, at least temporarily, the position of both the Zhirinovsky extremists and, perhaps far more dangerously, those tempted by neoimperialism within the current Yeltsin/reformist camp. In this way, Clinton, presumably under the influence of Talbottism and its tendency always to cut the Russians a little more slack, missed an opportunity to challenge the old shibboleths about Russian isolation and encirclement and to demonstrate, in strategic fact as well as in abstract rhetoric, the Western conviction that any revival of Russian imperialism in East Central Europe is a nonstarter.

Foreign policy is not therapy, and there are limits to the influence of the West over Russia's post-Communist evolution (much less over Russian psyches). But a fairly rapid incorporation into NATO of successful new democracies—under such criteria as secure democratic and market transitions, proven compliance with international human-rights and nuclear nonproliferation agreements, and demonstrated noninterference in the internal affairs of other nations—could have provided genuine Russian reformers with a set of benchmarks by which they could press forward toward their goal of acceptance by the West as a partner in modernity. Far from jeopardizing Russian security, a new NATO, unmistakably assembled as an alliance of free-market democracies and with troop deployments of an indisputably defensive nature, could have served as a magnet for Russian reform (and demilitarization), rather than as a threat to the position of Russian reformers.

Conversely, if the reformers' position is as fragile as Talbottism supposes, would not prudence dictate at least a greater sense of Western urgency about the security of East Central Europe? The notion that we can deal with that problem if and when it breaks out is fatuous, particularly in light of NATO dithering on ex-Yugoslavia. The point is to create strategic facts, now, that make the evil decree less likely, later.

On top of all that, accepting the Visegrad Group's basic proposal, and strengthening it by the articulation of clear criteria and a timetable for NATO membership, would have had a desirable effect on East Central Europe itself. The Western commitment it represented would have bolstered the processes of democratic and market consolidation and strengthened the hand of the more pro-Western political forces in the region. It would also have been regarded, in the Visegrad countries in particular, as a recognition that the anti-Communist resistance of East Central Europe, by bringing about the collapse of the Warsaw Pact, made an enormous contribution to the security of the West.

And it would have helped to keep the lid on. Indeed, one of the things that NATO membership seems to have done for fragile and fractious new democracies is to temper some of their aggressiveness: witness the relative quiet between Turkey and Greece since their incorporation into the alliance. A reconfigured NATO might well do the same for Slovak/Hungarian and (over a longer period of time) Hungarian/Romanian conflicts over the Hungarian minorities in Slovakia and Transylvania—conflicts which could lead to serious bloodshed, and thus to massive refugee problems, and thus to regional destabilization.

Time will tell whether the Partnership for Peace was a tough call, rightly made, or an error of world-historical proportions. Just now, it looks uncomfortably like a hard call that was ducked, and for reasons that take us back, via Talbottism, to some old, but evidently unsettled, arguments about the recent past.

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Threats to U.S. Sovereignty

Jeremy Rabkin

EVEN paranoids have real enemies, as the poet Delmore Schwartz once remarked. To this famous maxim one might add: even demagogues can invoke real principles. But while real enemies can usually be recognized as such, real principles sometimes never recover from their abuse by demagogues. "States' rights" was a perfectly serious and respectable cause for most of American history, until it came to be exclusively associated with the ugly rhetoric of Southern segregationists in the 1950's. Opposition to Communist organizing efforts in the United States was a respectable cause among labor leaders and liberal political activists in the 1940's, but could not survive its association with the wild charges of Senator Joseph McCarthy in the following decade.

It would be most unfortunate if the recent, highly charged debate over the North American Free Trade Agreement (NAFTA) should turn out to have a similar effect on appeals to safeguard American sovereignty. For American sovereignty is, in fact, threatened by a number of current trends, and NAFTA does reflect a number of these tendencies. Yet the inconsistency and bad faith of some of NAFTA's critics did much to discredit criticism of the underlying trend.

Thus, on the Left, the Sierra Club warned of threats to "environmental sovereignty," though this organization and its allies have insisted in other contexts that environmental concerns know no boundaries and have championed a range of international conventions on environmental matters. Thus, too, on the Right, Patrick J. Buchanan and Ross Perot, while depicting NAFTA as the culmination of decades of "one-sided trade treaties," never acknowledged that we cannot get other countries to remove trade barriers without negotiating agreements which will inevitably limit our sovereignty as much as theirs.

It is all the more important, then, to rescue the issue of sovereignty from the overheated and hypocritical rhetoric of the NAFTA debate. Many nations in the European Community (EC) are having anguished second thoughts about submerging their own national sovereignties in an integrated Europe. The United States is still a long way from the condition of the European states. But in the area of human rights as well as in the field of trade, we are now beginning to move in that direction, and we ought to start seriously considering how far we really want to go.

I

ANYONE who is skeptical about international commitments today is apt to be dismissed as an isolationist crank or an enemy of international cooperation. But it is possible to question the implications of recent commitments without opposing the traditional precepts of international law or the elaborate web of interstate agreements that build on them.

The framers of the Constitution made specific provisions for legislation to uphold the "law of nations." From George Washington onward, American Presidents have agreed to international arbitration to ensure peaceful settlement of particular disputes with other nations. Federal courts, from the earliest days, have applied international norms in cases involving claims by foreign governments or foreign nationals. And a whole array of very useful international conventions, on matters such as air traffic and mail delivery, are regarded as binding by the American government and routinely recognized by American courts.

But international law could be uncontroversial in earlier times—and remains so today in wide areas of practice—because it was bound by certain historic limitations. In the first place, the classic texts assumed that international law could not impose obligations without the consent of the affected nations—expressed through their own constitutional channels. Accordingly, the United States refused to join the League of Nations in 1919 for fear that membership would have committed the country to economic boycotts and military measures at the direction of the League's Council, independently of any decision by the U.S. Congress.

On the other hand, following World War II, the United States did accept the United Nations Charter and a number of mutual-defense pacts,

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like the North Atlantic Treaty Organization (NATO), which did seem to commit this country to military action on the say-so of others. But reputable legal scholars continue to insist that these international agreements only express a moral obligation and cannot actually supersede the requirement of the U.S. Constitution for congressional authorizations of military actions on a case-by-case basis.

There was also a second historic limitation to the reach of international law. Conceived as a body of rules governing the relations among sovereign nations, international law was long assumed to be inapplicable to domestic affairs—that is, to the dealings of governments with their own citizens in their own national territories. But then, very soon after its formation, the UN adopted a Universal Declaration of Human Rights and proceeded to draft international conventions spelling out the full implications of this new commitment. By the late 1940's, some legal scholars were proclaiming a new era for international law, which would now necessarily reach into the domestic affairs of nations to protect citizens from abusive treatment by their own governments.

Yet just as the United States balked at the new sort of international commitment implied by the League of Nations, there arose in the 1950's a sustained campaign of opposition to U.S. adherence to the UN human-rights conventions. Even the Convention Against Genocide was denounced. Its prohibition against "causing serious bodily or mental harm" to "members" of any particular ethnic or religious group was depicted by critics as a license to arraign a whole range of state and local measures in the United States—including laws permitting freedom of speech—before the judgment of international tribunals. The U.S., it was feared, would thereby be defamed and its traditional system of government disrupted.

For more than three decades thereafter, most political leaders in the United States persisted in regarding the UN human-rights conventions as inapplicable to this country. But such qualms have markedly subsided in recent years. Even so staunch a conservative as Ronald Reagan agreed, during his second term, to endorse the genocide convention, which was finally ratified by the Senate (with a series of limiting reservations) in 1986. Following the victory in the Gulf war, hailed at the time as a dramatic vindication of international cooperation, President Bush successfully urged the Senate to ratify the UN Covenant on Civil and Political Rights. And in the spring of 1993, Secretary of State Warren Christopher promised that the Clinton administration would push for Senate ratification of four additional conventions.

There is, then, good reason to think that the United States will soon be deep into the system of UN human-rights guarantees. There is also good reason to think this a very serious mistake.

II

In retrospect, the critics of the human-rights conventions in the 1950's were ludicrously wide of the mark in contending that ratification by the United States would subject this country to "world government." The genocide convention does, it is true, authorize the establishment of international tribunals, on the model of Nuremberg, to try individual perpetrators of genocide. But no such tribunals have ever been established. Iraq's ratification of the convention did nothing at all to inhibit Saddam Hussein's mass slaughter of Shiites in his country, just as ratification by Yugoslavia (to which the Serb government in Belgrade now claims to be the rightful heir) has done nothing whatsoever to inhibit mass slaughter in that country.

The subsequent UN conventions do not even pretend to threaten serious sanctions. The sole enforcement provisions are tongue-lashings by committees of UN delegates, and "hypocrisy" is much too soft a term for the usual conduct of these committees. So the Islamic Republic of Iran, while claiming to endorse the UN Covenant on Civil and Political Rights, honors the covenant's guarantee of religious freedom by murderous repression of the Bahai faith. Castro's Cuba and Assad's Syria also have found that their endorsements of this covenant, with its guarantees of free speech, do not in the slightest hinder them from brutal repression of any and all voices of dissent within their borders. The practice of "female circumcision"—the painful and irreparable genital mutilation of young girls—is prevalent in a number of African nations; it makes no discernible difference that most of these countries have ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women.

The UN's record of utterly ineffectual enforcement of its own human-rights guarantees thus seems to nullify one of the most fevered of the earlier arguments against American ratification. But the same fact gives more point to the central question of earlier critics: what reason is there for the United States to subject itself to these norms? After all, the UN conventions are compromise documents, reflecting not only traditional American views about due process and civil liberties but also competing views, advanced by Communist and third-world representives with very different notions about the meaning of "human rights."

For instance, the Covenant on Economic and Social Rights affirms rights to various government welfare benefits but says nothing about the right to private property. The Covenant on Civil

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and Political Rights affirms the right to participate in elections but says nothing at all about the right to have competing parties or even competing candidates contesting those elections. The same convention endorses free speech but then turns around and requires governments to prohibit their citizens from expressing racial, ethnic, or religious bigotry, or engaging in "propaganda for war."

The conventions are also filled with specific provisions that have been explicitly rejected in recent public-policy debates in the United States. Thus the convention on sex discrimination requires governments to assure "equal pay for work of equal value"—what feminist advocates over the past twenty years have demanded as "comparable worth" (and failed to get Congress or any state legislature to add to existing civil-rights laws). Other vast new regulatory or spending commitments are mandated by the open-ended language of other conventions.

In effect, each nation is invited by such language to interpret its obligations as expansively or ambitiously as it may wish. Or rather, the citizens of each nation are invited to demand fulfillment of internationally sanctioned rights in accord with their own hopes and ambitions. This is an invitation that will be eagerly accepted in the U.S. by well-organized and aroused constituencies.

One can hardly blame committed advocacy groups for pushing through any door that seems open to their pressures. But the underlying question, again, is: why should this door be opened for them? Why should Congress adopt in an internationally wrapped package what it probably would not enact in individual pieces of domestic legislation?

Thirty years ago it seemed obvious to many people that the United States had no compelling reason to offer its domestic policies to international direction. Now it no longer seems so obvious. Part of the reason is that concern about American sovereignty, so readily mobilized in the 1950's, has dwindled steadily since then, as certain aspects of the NAFTA agreement reveal.

III

NAFTA is essentially an agreement to lower trade barriers among the U.S., Canada, and Mexico. There is nothing new or inherently disturbing about this in itself. But NAFTA has two innovations which *should* be disturbing, as becomes apparent when one compares them with the long-established structure of the General Agreement on Tariffs and Trade (GATT), the framework agreement for international trade liberalizations since 1947.

GATT has always made provision for each nation to exclude imports that do not comply with its own domestic safety or health standards. But GATT has simultaneously always insisted that such limitations must deal with the characteristics of the product involved, rather than the way it was produced. In NAFTA, for the first time, a trade agreement addresses the conditions under which an item was produced within the borders of the exporting country.

Thus, in the main text of NAFTA, the signatories agree that it is "inappropriate" to lower environmental standards to attract investment, so that, in principle, the United States promises Canada and Mexico that it will not reduce its own regulatory measures to help business (though that would certainly be the most obvious and reasonable motive for reconsidering onerous regulations).

Side agreements on environmental and labor concerns—negotiated by the Clinton administration precisely to allay the concerns of American advocacy groups who feared that more open trade would put economic pressure on American regulatory standards—go even further. Under those agreements, the NAFTA countries promise one another that they will fully enforce their own domestic regulatory standards on a range of environmental and labor matters. Though anti-NAFTA union leaders and environmentalists complained that the side agreements were not stringent enough, they did seem to establish a new principle. How the United States enforces its own laws on American citizens and American firms within its own borders has now become the subject of an international trade agreement. In the future, we may find that we cannot further liberalize trade without simultaneously extending regulation.

This precedent becomes all the more worrisome when one considers another innovation in NAFTA, having to do with its enforcement mechanism. GATT imposes definite obligations on signatory nations, but the obligations concern the relations of sovereign nations with one another. If a French company, for example, believes that the United States has imposed trade restrictions on its exports to the U.S. that are contrary to American obligations under GATT, the company must persuade the French government to pursue the matter with Washington. Such disputes can be submitted to arbitration, but the United States government can refuse to implement the ruling of the GATT panel, and U.S. courts will follow the policy of their own government rather than the decisions of the GATT arbitrators in Geneva.

In NAFTA, by contrast, the United States government has undertaken to treat the rulings of such arbitration panels as final and as binding in our courts. In principle, even disputes between two American firms, if one protests that the other is importing improperly subsidized goods from Canada or Mexico, could be referred to a NAFTA panel instead of an American court. By the terms of NAFTA, moreover, no more than half the

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members of any such panel will be appointed by the United States.

When the Canadian Free Trade Agreement was presented to Congress by the Reagan administration in 1988, the Justice Department warned that relegating adjudications of American law to officers not appointed by the President would be unconstitutional. These constitutional objections were disregarded at the time and not reconsidered for NAFTA. In fact, the arrangement has been extended in the side accords.

If this sort of thing can be done for trade and then for environmental and labor disputes, why not finally for civil-liberties or civil-rights questions, where we look so often to our own courts?

This prospect is not at all far-fetched. Already, just such an arrangement exists in Europe, where the European Court of Human Rights in Strasbourg hands down judgments in complaints against the member-states—for example, it overturned Ireland's traditional law against sodomy—and these judgments are accepted as binding, even if they conflict with the judgments of national courts.

Actually, the European Court of Human Rights has a Western hemisphere counterpart: a formal tribunal functioning in San José, Costa Rica, to enforce the InterAmerican Convention on Human Rights (known as the Pact of San José). Most countries in the Western hemisphere now subscribe to this convention, but the United States has never ratified it. So far, the court in San José has been far more modest and cautious than its European counterpart in Strasbourg, and the Latin American nations subscribing to this convention are more socially conservative in many ways than the nations of Western Europe. But the foundations for a more ambitious project are in place.

Indeed, some critics of NAFTA have already begun insisting on this. To ensure that Mexico does not use repressive measures to suppress wages or environmental advocacy, they have argued, the U.S. should insist on full Mexican compliance with the Pact of San José. And to do this, we should ratify the pact and play a full part in its interpretation and implementation. So there it is.

IV

Sovereign nations are supposed to make their own decisions, in accord with their own constitutional standards. Hence traditional notions of sovereignty are as threatened when foreign courts (or binding-arbitration panels) are licensed to enforce American trade law as they are when American courts are obligated to enforce international norms on purely domestic matters. And now this trend toward diminishing American sovereignty has moved into foreign policy. For the United States, for the first time in its history, has begun to do what the opponents of the League of Nations most condemned—putting American troops at the disposal of international authorities.

What may appear to be precedents for such action were actually adornments of fundamentally American decisions. President Truman did claim a resolution of the UN Security Council as justification for sending American troops to repel the invasion of South Korea—but the troops were dispatched to Korea, and by the decision of Truman himself, before the Security Council voted its resolution on the matter. More recently, President Bush toyed with the notion that, having received authorization from the UN Security Council to take military measures against Iraq, he did not need a direct authorization from the Congress of the United States. In the end, Bush decided it would be safer to seek direct authority from Congress and did receive it.

It is true that American forces have been placed temporarily under foreign command at various times in the past. But these were generally situations where the larger strategic aim was clearly established and the tactical command of a foreign general was simply a minor incident in an agreed American effort (as when troops fighting their way into Germany were placed under the command of Britain's Field Marshal Montgomery).

The situation is quite different when American troops are sent to a UN command. Last July, President Clinton did just that when he notified Congress that, pursuant to a resolution of the Security Council, he was dispatching 350 American troops to bolster the UN Protection Force (UNPROFOR) of some 700 soldiers from a "Nordic battalion" already serving in the former Yugoslav Republic of Macedonia.

These American troops, Clinton explained, will "serve under the operational control of UNPROFOR Macedonia and will conduct missions as directed by the UN commander." In contrast to American action in the Gulf war—or for that matter, in the Korean war—we are in Macedonia not as the dominant power, with a UN mandate to lend moral force to our own strategic decisions, but as a minority participant in a truly multinational effort.

The UN troops in Macedonia are not engaged in "peacekeeping" in the usual sense, since there has been no actual fighting there. Their purpose is to deter Serbian aggression. But it remains unclear what these forces would do if the Serbs were to attack them. They are too small to defeat the Serbs. Would they even give battle if the Serbs attacked? Should they try to defend Macedonia if it came to that? Would an armed conflict involving American troops commit the United States to send larger forces to avenge the attack on our original token presence?

None of this seems to be worked out (or if it is, the President has not made any of the details

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public). It appears that American forces are hostage to the decisions of "Nordic" commanders operating under the very ambiguous mandate of the United Nations, and that the President of the United States is content to leave things in this posture. So are many other Americans, who think there is less taint of selfish action or of superpower bullying when the United States commits forces in this sort of truly multilateral operation.

Last summer, the Clinton administration was reported to be preparing a major new National Security Memorandum to justify more such undertakings in the future. Negative initial reaction—and the embarrassing reversals in Somalia and Haiti—forced the administration to rethink its "clarification." Guidelines proposed to Congress in early February reflect a more cautious view, but still leave the door open for U.S. forces to take part in peacekeeping ventures under UN command. Meanwhile, American troops remain under "the operational control of UNPROFOR" in Macedonia.

One thing is certain: if any American troops are killed on a mission of this kind, it will be much harder for the American people to know whom to blame than it would be if the troops were fully accountable to the U.S. Commander-in-Chief. Perhaps that is part of the attraction of such arrangements. It is also what makes them so objectionable from a constitutional point of view.

V

All these developments are straws in the wind. We are still a very, very long way from the nightmare of critics in the 1950's that Americans might wake up one day to find themselves captive to a sinister world government directed through the UN. Nothing has yet been attempted, nothing has yet been seriously proposed, perhaps nothing has yet even been fully imagined for American international commitments that is not already being done by other countries, including such notably independent ones as France. But it is obvious that the United States is beginning to entangle itself in commitments of new kinds, commitments that previous generations of Americans would have resisted as threats to American sovereignty.

Sovereignty is not a matter of legal formalities. Nor is it a license to act in disregard of international commitments or accepted norms of international conduct. The central purpose of sovereignty is to clarify governing responsibility. The government of a sovereign nation is responsible for governing in ways that serve and satisfy that nation itself. The ultimate issue is accountability, and the gradual erosion of sovereignty entails a blurring of the lines of accountability.

These new kinds of international commitment thus threaten to become the counterpart of domestic judicial activism or a higher version of the same phenomenon. In the heyday of judicial activism under the Warren and Burger Courts, the Supreme Court pursued an agenda that even sympathetic politicians could not follow—in relation to school busing, abortion, the unloosing of pornography, the suppression of public support for religion, and so on and so on. Whatever one might say about the legal niceties, it was always within the power of Congress to force a halt to any or all of these judicial policy initiatives. Yet we have never had a sufficiently serious debate in Congress about quotas or busing or even about abortion, because politicians were able to hide behind the courts, insisting—often with feigned regret and always with expressions of high piety toward the Constitution—that "the rule of law" must be obeyed.

Change the focus to "international law," and the same rationale can be invoked. But questionable as it may be to subject ourselves to the policy ambitions of American judges, it is even worse to subject ourselves to foreigners. Quite apart from other considerations, the internationalization of our domestic-policy disputes adds one more—and potentially much larger and more intricate—layer of technical confusion between public preferences and the excuses of politicians not to respond to them. It makes government that much more obscure, remote, and inaccessible to ordinary citizens.

It is indeed the case that other countries, most notably in Western Europe, have been willing to travel down this path, jettisoning traditional notions of sovereignty along the way. But there are several reasons why the United States should be more wary of such a tendency than the Europeans have been.

The first is that the United States is simply larger, richer, stronger than any other nation. From this it follows that we can afford to be more cautious, and also that we need to be. It is one thing for Pakistani troops to be humiliated in Somalia or for "Nordic" troops to be fired upon in Macedonia; the implications are quite different when American troops are the hapless victims of ill-considered commitments. The point is not that American lives are inherently more valuable, but that American power is inherently more significant. It cannot mean the same thing to the world when Norway retreats under fire as when the United States does.

Similarly, American trade policy—or the American stance toward international environmental norms—has a greater impact than the policies of Australia or even of France or Germany, if they act apart from the EC. Whether we like it or not, our greater wealth puts us in a different position in relation to international commitments.

But there are also other reasons why the same trends may have a very different significance for the United States than for other countries. A re-

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cent study reports that after the EC adopted a general directive on comparable-worth regulation, only Britain felt obliged to implement it in a systematic way, even though the substance of the policy was more distasteful to Prime Minister Thatcher's government than to any other involved. France, Italy, and many other countries are notoriously adept at maneuvering around legal commitments they deem inconvenient. The United States will find it even harder than Britain to do so. For we have a system that is most ill-suited for evading or containing awkward policy commitments which come with some momentum of prestige—such as "law" or even "international law."

Yes, there are notable exceptions (the Reagan administration successfully defied a ruling of the International Court of Justice in its policy toward Nicaragua). But it remains the case that American policy-makers are subject to scrutiny and pressure to an extent that their foreign counterparts generally are not. The separation of powers helps to assure this—congressional committees can investigate, publicize, and bully executive officials in ways that would be inconceivable in Europe or Canada. The traditions of an aggressive media culture help to assure this as well. Once a significant domestic constituency gets hold of a favorable ruling from a supranational authority, it will not be easily put off or sidetracked—certainly not by appeals to defer to the larger perspectives of executive officials.

Finally, there is the fact that America is less used to being directed by powerful state bureaucracies. This, no doubt, puts limits on how much anyone can expect to achieve by invoking supranational authorities, just as it has always put limits on how much could be achieved by appeals to even the most activist domestic court. But it also means that there is the potential for adding new layers of unmanageable mandates.

VI

ONE of the most striking things about the United States today is the disproportion between issues that agitate the national government and problems that actually affect people in their daily lives. The national government has become preoccupied with ever more subtle definitions of "sexism" or "sexual harassment," while illegitimacy rates have tripled in 30 years. The national government has become preoccupied with ever more obscure and minute health risks from ordinary foods, while the murder rate has likewise tripled. The national government has become preoccupied with ever more ambitious programs for multicultural recognition and bilingual education, while public schools can no longer assure that even native English-speakers will learn to read and write and do arithmetic at what were once grade-school levels.

Clearly these trends are related. A national government that has sucked more and more resources and regulatory power to the center has become prey to a wider and wider circle of special-interest advocacy groups which make it impossible to focus on the immediate priorities of ordinary citizens. What the centralization of policy at the federal level has done in recent decades, the internationalization of policy threatens to compound. It holds out the prospect of an ever more chaotic set of authorities, presiding over an ever more chaotic world, at a greater remove from the issues that most concern us here in the United States.

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American Jews & Their Judaism

Robert M. Seltzer

IN THE 1940's, Louis Finkelstein, the president of the Jewish Theological Seminary of America, invited a group of scholars to contribute to a two-volume handbook entitled *The Jews: Their History, Culture, and Religion.* To his astonishment, Finkelstein discovered that

> There are probably a hundred people, and more, whose profession it is to discover all that can be known about the Jews in Jerusalem in the 1st century; there does not seem to be one who has the same duty for the Jews of New York in the 20th century.

These lines are quoted in a memoir by the late Marshall Sklare, the dean of American Jewish sociology, to illustrate the extent of the changes that had occurred over the course of Sklare's own career.* When he set out in the late 50's to compile a reader in the sociology of American Jews, Sklare had to summarize the research of scholars who had dabbled in the field before turning to other topics. Even twenty years later, in the mid-70's, although a large body of information had accumulated, much more work had to be done "to transform it into real knowledge." But by the time of Sklare's retirement from Brandeis University in 1990, he and a new generation of sociologists, many trained by him, had made America's Jews almost hyperconscious of the trends, tensions, and ironies in their ongoing adaptation to the American environment.

As Sklare notes in several places in *Observing America's Jews*, developments in the academic study of American Jewry have occurred in tandem with developments in the integration of the Jews themselves in American life. The first, classic work was Louis Wirth's *The Ghetto* (1928), which traced the transformation of Jewish immigrant life from the traditional environment of a European village to the maelstrom of Chicago's west side. Born in Germany, Wirth was an assimilationist by ideology; after the publication of his book, he did no further research on the Jews, announcing in the closing pages of *The Ghetto* that the Jewish community was an anachronism whose life had been artificially prolonged by Gentile prejudice. Sklare, who studied briefly with him at the University of Chicago, writes that Wirth was among those who felt that the American melting pot was not just a social phenomenon but a constitutional provision.

A second wave of American sociologists, labeled by Sklare "critical intellectuals," arose in the immediate post-World War II years. While eager to affirm their roots, they also displayed a noticeable antipathy to the American Jewish community as it was then constituted. The increased acceptability of ethnicity in American society led these marginal Jews to pen nostalgic portraits of the immigrant generation (as in Judith Kramer and Seymour Leventman's *Children of the Gilded Ghetto*) or of an idealized East European *shtetl* (as in Mark Zborowski and Elizabeth Herzog's *Life Is with People*). A prime exemplar of the school was Melvin Tumin, who, involved with Jewish causes in the 1950's, continued to espouse the leftism of his past and hardly concealed his contempt for Jews who had ascended into the American middle and upper classes.

Sklare located himself in a third wave, the "survivalists," sociologists worried about the possible disappearance of the Jews as a distinctive group but scrupulous to avoid sentimentality in their work. That work tended to focus on the problems of Jewish identity produced by rapid upward mobility, the rise in educational levels, and the move to the suburbs. Sklare placed the secular Nathan Glazer at the "Left" end of this "survivalist spectrum" and the religious Charles S. Liebman at the "Right" end. By implication Sklare himself stood in the middle. Whatever one makes of his taxonomy, it remains true that Sklare's own concern for the Jewish future in America, his love of Israel, and his respect for tradition give his writings (a number of which appeared in COMMENTARY) an ecumenical balance that continues to make them of wide interest.

IN A 1978 essay, Sklare asked why the old assimilationist school, which had posited the inexorable evolution of every American immigrant minority from self-segregation through acculturation to assimilation, had proved—so far—incorrect in the case of the Jews, who had continued, despite everything, to retain certain distinctive group characteristics. He focused on a number of factors, including the se-

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* In *Observing America's Jews*, a collection of Sklare's writings, edited and with a foreword by Jonathan D. Sarna; afterword by Charles S. Liebman. University Press of New England, 318 pp., $39.95.

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lective character of Jewish immigration; the relative weakness of American anti-Semitism; Jewish religious faith as an independent variable; a certain resonance between Jewish and American values; and the gradually emerging American philosophy of pluralism which offered options to minorities other than self-effacement. In addition, and paradoxically, the sweeping secularization of most American Jews (itself a matter of some puzzlement) acted as a "protective mechanism" to insulate them from conversionary efforts. Sklare concluded:

> What is evident in the contemporary Jewish community is that while there is considerable intermarriage and numerous instances of assimilation, efforts are being made to stand fast and halt the cycle at the second stage—namely, acculturation. There is also the contemporary phenomenon of efforts to strengthen Jewish identity. Frequently these efforts take the form of a process that we may call "reculturation"—the return to Jewish forms and culture. . . . In some cases reculturation also includes the creation of new Jewish forms and culture.

These lines have a guardedly benign or even optimistic ring about them. As it happens, however, Sklare was capable of tough judgments on the direction at least some of the "new Jewish forms" he mentioned were taking. Thus, in "The Greening of Judaism" (originally published in COMMENTARY, December 1974), he took on *The Jewish Catalog*, a how-to book modeled on the then-popular *Whole Earth Catalog* and owing much to the anti-establishment tenor of the late-60's counterculture. In particular, he pointed critically to the *Catalog*'s fascination with the primitive and ritualistic side of Judaism, with folk religion and the occult, handicrafts and art, with "the side connected with issues of personal style, of taste, of aesthetic pleasure, rather than the broadly metaphysical, the ethical, or the social side of Judaism." Thus, Sklare wrote acerbically,

> For the *Catalog* the only Sabbath worthy of the name is one that includes homemade *hallah* and cake, as well as homemade wine, homemade chicken soup, homemade gefilte fish, homemade *cholent*, homemade *kugel*, homemade *tzimmes*, and homemade *kreplach*. And it goes without saying that . . . it is even more insistent on the lighting of homemade candles. The *Catalog* is in fact infatuated with candle-making, . . . expressing its regret that Judaism has no daily ritual requiring the lighting of tapers and few occasions that call for really substantial amounts of wax.

In retrospect, the *Jewish Catalog*, at least in Sklare's reading of it, represented the surfacing of a phenomenon which has become quite conspicuous since the mid-70's. This is the increasing privatization of American religion in general and of American Judaism in particular, a process in which religious feeling and even ritual are reworked in idiosyncratic ways by isolated individuals or new affinity groups who have little interest in joining an official religious community. What makes privatization a sociological phenomenon and not just a psychological one is that certain personalized choices resonate widely. As someone once quipped, people are never more conforming than when they think they are being individualists.

Nor was the privatization of Jewishness the only area in which Sklare captured new and potentially troubling phenomena in the making. Presciently, he noted indications of a forthcoming spectacular rise in the rate of intermarriage; a probable decline in Jewish philanthropic giving as Jews became involved in general American cultural causes; an idealization of Israel that was problematic to the extent that it was intertwined with American Jewish guilt about the Holocaust; and the corrosive impact on young Jews of the university environment. Sklare also touched upon other themes that have become current today, especially the shaking of the Jewish denominational structure and new questions about the relationship between Judaism and secular liberalism in America.

SOME of these themes are treated extensively in Jack Wertheimer's *A People Divided: Judaism in Contemporary America.** Focusing on religion, this informed and intelligent book seeks to map "the terrain of contemporary American Judaism and . . . to capture its bewildering diversity by examining Judaism against the backdrop of the larger American environment."

Over the last 25 years, Wertheimer writes, the "popular religion" of the Jews (as opposed to the denominational institutions) has been marked by two opposing trends: a "drift to religious minimalism" on the one hand and "expressions of popular religious revival" on the other.

To begin with the first trend, the plain fact is that a rising percentage of Jews do not belong to any of the Jewish denominations. Although more of these unaffiliated Jews call themselves Reform than Conservative or Orthodox, they "do not invest their money in synagogue membership," suggesting that they simply identify with a label that seems to entail the least amount of formal observance. These are the Jews most prone to intermarry, following the general trend in American life toward the melding of white ethnicity and the breaking down of denominational borders.

Do these and other data, such as indications that increasing numbers of parents offer their children little or no explicit Jewish education, show the truth of earlier predictions about the way acculturated minorities eventually assimilate? It is not that simple—if only because, ironically, these Jews are *not* conforming to the attitudes of most American Christians, who have retained their religious commitments. (Wertheimer quotes

* Basic Books, 267 pp., $25.00.

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the sociologist Barry Kosmin to the effect that these Jews are assimilating, rather, into "a mythical . . . America that is only inhabited by a few Episcopalians and Unitarians.")

Then there is the other end of the spectrum, made up of "a passionate minority of Jews that has invested a lot of energy in creating and nurturing innovative programs that encourage religious renewal." These include members of *havurot*—small, intensely supportive Jewish groups that pray, study, and socialize together. Next, feminism has brought into what was once the predominantly male domain of formal Jewish worship new liturgies to celebrate "gender equality" and new ceremonies to sanctify the lives of women. Groups on the periphery that have sought their own modes of Jewish self-expression include gay and "humanistic" synagogues, rural New Age gatherings that combine Eastern and Jewish mysticism, and even experiments in synagogues for interfaith families. A special infusion of energies has come from the new wave of converts to Judaism ("Jews by choice") and newly-involved Jews (*baalei teshuvah*).

As Wertheimer points out, many of these "special-purpose" groups, although starting outside the established denominational institutions, have tended in time to link up with them, contributing new energy and enthusiasm to the mainstream but also diffusing their own impact. It is to those larger institutions, "the fragmenting world of organized Judaism," that he turns next.

Since the late 60's, Reform Judaism has moved in contradictory directions at once. New prayerbooks indicate a far greater acceptance of Jewish particularism and Jewish tradition than was once characteristic of Reform, but also an unwillingness to rule out any theological position whatsoever. (Wertheimer cites the historian Michael Meyer's observation about the Reform movement's *Gates of Prayer*, published in 1975: "Only the bookbinder's art could press together so much contradiction between the covers of a single volume.") More divisive still has been a series of controversies over rabbinic officiation at mixed marriages, questions of personal status, campaigns of outreach, and homosexuality. Of particular concern to Wertheimer are the consequences of the Reform legitimation of patrilineal descent—the view that a child may be considered Jewish if either parent is Jewish, rather than (as in the traditional understanding) only if the mother is Jewish.

If Reform has abandoned its classic ideology (or perhaps ideological consistency altogether) in order to reach out to as many as possible, Orthodoxy has gone in the opposite direction, raising the ramparts around its newly flourishing network of yeshivas, day schools, summer camps, and other organizations. Although the Orthodox are a minority, and, outside New York, a small minority, there can be no doubt about the overall growth in American Orthodox self-confidence, which Wertheimer instructively traces to a number of institutional moves. But he also suggests that the Orthodox "retreat into insularity" may reflect a hidden insecurity, visible in the recent shift of the whole Orthodox coalition considerably to the Right.

Occupying the middle ground, Conservative Judaism has been sharply affected by what has occurred on both sides, as well as by trends in general American life. Wertheimer relates the problems the movement has had in retaining its youth as they grow older (some seem to graduate to Orthodoxy, others to Reform), in making its positions on matters of Jewish law (*halakhah*) more flexible than Orthodoxy without breaking recognizable continuity with traditional understandings, and in maintaining unity in a time of fissiparous diversity.

The old Conservative Left, which was once represented by Mordecai M. Kaplan* at the Jewish Theological Seminary, seceded in the 1960's to form the Reconstructionist movement, with its own set of organizations similar to that of the other denominations; its place, says Wertheimer, is now on the far Left of the Jewish religious continuum. The Conservative Right, meanwhile, has been increasingly put off by innovations in *halakhah*, and especially by the decision of the Seminary to follow in the footsteps of the Reconstructionists and Reform by ordaining women as rabbis. Although Wertheimer concludes his analysis of Conservatism by observing hopefully that the movement shows "a new feistiness" in expressing its "modified, yet still centrist position," another way of putting it may be that Conservatism is drawing in its wagons.

As the numbers of identifying Jews shrink because of demographic change and growing apathy, the competitive rivalry among the denominations has inevitably sharpened, and relations have deteriorated. Wertheimer seems pessimistic about the chances of alleviating the situation. He singles out the patrilineal issue as an example of what he refers to, cumbersomely, as the tendency "to resymbolize Judaism according to contemporary assumptions"; this, he says, is the salient force subverting the ability of the community to cope with issues of unity and consensus.

It is possible he overstates here: there still are voices of reason in all the movements. But more important, perhaps, is the question of whether a viable American Jewish future really does hang mainly on a definitive solution to the admittedly vexatious issues of personal status.

It may not. For one thing, American Jewish pluralism will not just go away; while it breeds

* In his new book, *Judaism Faces the 20th Century* (Wayne State University Press, 434 pp., $34.95), Mel Scult gives us a meticulously researched and nuanced biography of Kaplan which lays out the background to his call in 1934 for the "reconstruction" of Jewish life and ideology.

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acrimony, it has also become a means of modern Jewish survival, and one that offers a wide range of options to a diverse and opinionated public. Whatever the weaknesses of Reform Judaism, for example, it has encouraged many to retain a modicum of Jewishness. Then, too, questions of status—"who is a Jew?"—may turn out to be less important than questions of meaning—"why be Jewish?" The swelling ranks of the indifferent are the result not only of social forces leading to the attenuation of old group boundaries, but also of the fact that to many Jews, much of Judaism has become merely rhetoric.

As long as the new extra-denominational energies Wertheimer describes do not come together synergistically—and they show no signs of this—the real challenge will be to hold the interest and retain the loyalty of at least some of those who are drifting away. That can only be done by articulating what Judaism stands for, both on the level of personal spirituality and in the public realm. Those two areas are closely connected.

WHICH brings us to another important turn that has occurred since the early 70's—and this concerns the public role of religion in American culture and society. There is as yet no comprehensive book dealing with this subject as it affects American Jews, but a recent collection of statements by almost 40 Jewish intellectuals and scholars, *American Jews and the Separationist Faith*,* offers some guideposts.

By and large, the essays in this book, which originated in a symposium in *First Things*, are critical of the stance taken by Jewish communal agencies since World War II in favor of a strict "wall of separation between church and state." Not that any of the contributors to *American Jews and the Separationist Faith* envisions bringing back the Inquisition, or even the milder discriminations of the 19th century. What they mainly urge is a rethinking of the abiding role of religion in shaping the American character and, therefore, in determining Jewish survival.

Certain motifs reappear in many of the essays. First, religion still has a crucial role to play in setting the moral tone of society—more crucial now, in view of the seepage of civility, self-restraint, and common purpose from American life. Jews in particular should realize that a complete secularization of American life poses a much more severe danger to them than the danger entailed in practices like the erection of a crèche or a menorah in American public places. Some of the contributors are quite willing to accept the principle of public financial support for parochial schools, and there are even those among them who sharply criticize the idea of an absolute "right" to abortion.

Second, and without minimizing for a moment the agonies of Jewish historical experience, Judaism has much to gain from a vibrant Christianity in an age when most Christian churches have repudiated anti-Semitism and "replacement theology" (the traditional view that Christianity completely replaced or superseded Judaism). Although the idea of a common Judeo-Christian heritage may lack a firm basis in theology, in the realm of ethics there are overwhelming commonalities between the two faiths. The whole tenor of Jewish-Christian relations has changed in the last decades; just as Jews expect Christians to be attentive to their concerns, so they need to be attentive to Christian feelings in turn.

Reading this book makes one ponder anew the stubborn American Jewish attachment to secularism. Where does it come from? In several of his essays, Marshall Sklare pointed to the fact that even before Jews left Europe for the New World, they knew that only a secular state would permit them to participate in public life on anything like an equal footing. In due course most modern Jews fashioned a dichotomy for themselves, one largely absent from the understandings of traditional Judaism: there was the public realm, to be kept scrupulously bare of religion, and then there was the private realm, where they would exercise such religious affiliations as they chose to profess. Indeed, the very designations Reform and Conservative emerged because of (in Sklare's words) "the need to define oneself as an individual who upheld religious values despite apparent secularity."

In America all this was made easier by the neutrality of the polity on questions of religious affiliation. "Jews could privatize Judaism," Jerold S. Auerbach notes here, "while persuading themselves that they were staunch Americans defending the Bill of Rights." The consequence was, however, that for many Jews, "strict separatism [between church and state] became a convenient constitutional rationale for strict secularism."

But, in the last analysis, is a radically secular America adequate for either Judaism's needs or Judaism's vision? Almost all the contributors to this book believe that a commitment to the spiritual content of Judaism requires the affirmation of its values in the "public square." To be sure, those values have to be presented persuasively and not apodictically; but doing so is a measure of Judaism's being taken seriously as a modern faith—and as an American faith. What Jews need, these writers argue persuasively, is an intelligent religious revival, spilling over into civic life in unpredictable but transforming ways.

As the historian Jerry Z. Muller puts it here: "In a society as open as that of the United States, and in a population as educated as American Jewry, Jews are fated for complete absorption into non-Jewish culture unless they are intellectually prepared to confront that culture on Jewish grounds." What happens fairly soon on this front may determine the future of Judaism in America.

* Edited by David G. Dalin; afterword by Irving Kristol. Ethics and Public Policy Center, 169 pp., $19.95.

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Clint Eastwood Goes PC

Richard Grenier

ALMOST exactly ten years ago, I published an article on Clint Eastwood in COMMENTARY entitled "The World's Favorite Movie Star."* Eastwood's huge success, I noted there, was based on a role he had played throughout his entire career: the enforcer of law and justice. In movie after movie, whether as a cowboy or as a police detective, whether acting within the law or as a vigilante, the Eastwood character used force with no compunction in order to ensure that the innocent were saved and the guilty punished. He did this in Italian-made "spaghetti Westerns," in innumerable later Westerns, and in the celebrated *Dirty Harry* series ("Make my day"). In other movies Eastwood played a commando lieutenant (*Where Eagles Dare*), an Air Force pilot flying over the Soviet Union (*Firefox*), and a Marine Corps sergeant (*Heartbreak Ridge*), still using deadly force, now for his country.

In that article I also said that Eastwood, "to judge by his films, has never had the slightest doubt as to the legitimacy of the use of force in the service of justice, even rudimentary justice." And I added, "Perhaps Eastwood's determination to see predators punished is so deeply ingrained that he doesn't even think of it as political."

At the time I wrote this passage, film critics (as I also noted) despised Eastwood's work with a rare intensity. They made no mention of the fact that they disagreed with his social and political ideas, merely stating on artistic grounds that he was an appalling actor and that his films were even more appalling. So great was the institutional hostility to him that Eastwood had had to become the world's most famous and most highly paid movie star before Hollywood would even touch him.

But now all has changed. Today Eastwood is the darling of the critics (as also of President Clinton). Once again, of course, the judgments are offered on purely artistic grounds, only now those judgments are rapturous. Clint Eastwood, for years declared so talentless, a national embarrassment, has been discovered to have absolutely remarkable artistic gifts as both an actor and a director.

Thus, the critic for the *New York Times* hailed Eastwood's most recent movie, *A Perfect World*, directed by Eastwood and co-starring him and Kevin Costner, as "majestic" and "profoundly moving." Other major critics called it "a triumph," "brilliant," "revelatory," "masterful," "original," "thrilling," "stunning," and "extraordinary." In *New York* magazine, Eastwood as a director was praised as "a reflective and moving artist, a classical master."

WHAT is going on? The fact is that Clint Eastwood has been on a spiritual voyage, and is now reaping its rewards. The voyage began in 1988 with *Bird*, a film directed by Eastwood and based on the life of jazz saxophonist Charlie Parker. Eastwood had always loved jazz, and the film was a tribute of sorts. But it was also deeply out of character, at least remote from the kind of subject matter he had regularly chosen for his movies. It was a commercial failure.

Two years later Eastwood both directed and starred in another out-of-character film, *White Hunter, Black Heart*. This movie was based on a 1953 novel by Peter Viertel, itself inspired by the personality of the legendary film director John Huston and by Huston's experiences in Africa shooting *The African Queen* with Humphrey Bogart and Katharine Hepburn. Eastwood played Huston as a heavy-drinking, macho, far-from-agreeable character—but also as a character of some complexity. *White Hunter, Black Heart* was also a commercial failure.

And then in 1992 came *Unforgiven*. Produced and directed by Eastwood, and with Eastwood in the leading role, *Unforgiven* garnered rave reviews, was nominated for no fewer than nine Academy Awards, and won four, including Best Picture (given to producer Eastwood) and Best Director (given to director Eastwood). Eastwood himself was also nominated for Best Actor. For a man who in his whole life had never won a single award anywhere for anything, and who the cultivated public had been led to believe did not have a grain of talent, this was an interesting turn of events.

Eastwood, in fact, had gone to Canossa. If *Bird* and *White Hunter, Black Heart* were straws in the wind, *Unforgiven* was a full-scale, systematic act of contrition, a repudiation and dismantling of the whole legendary, masculine character type of which, for this generation, Eastwood himself had become the leading icon.

In the film's opening frames, we learn that the character played by Eastwood, a famous ex-gunslinger, had been "saved" by the love of a good woman, now passed on. The ex-gunslinger is now pretty much down on his luck, wrestling ingloriously with hogs on his miserable little farm. A young cowboy appears, very admiring of this hero for his daring feats of yesteryear, but the gunslinger, whose manner

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* April 1984; reprinted in my *Capturing the Culture: Film, Art, and Politics.*

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is strangely fearful, explains that in those days he was far from brave, only drunk, and that he is now deeply ashamed of his former thuggish behavior. The main plot is set in motion when, in a nearby brothel, a prostitute's face is cut by a drunken rancher, and the other prostitutes pool their savings and offer a bounty for killing the rancher who did it. The Eastwood character, quivering with fear, is induced to go after the bounty because he needs the money.

Eastwood's principal adversary in the film is the sheriff, played by Gene Hackman, a man absolutely fearless and thoroughly evil. Curiously, when it comes to *Unforgiven*'s men, cowardice seems rather a virtue. Fear is not only understood and tolerated in this movie, but timorousness in the face of danger seems to have a positive moral quality. Although the plot is tricked out so that—defensively—Eastwood wins the final gunfight, the audience is left with an emphatic message: the gunslingers of the old West like Jesse James, Billy the Kid, Doc Holliday, and Wyatt Earp—in real life roughnecks at best, but admired by generations of Americans for their reckless bravery—were very, very bad men.

Between *Unforgiven* and his newest movie, *A Perfect World*, Eastwood made one more film, *In the Line of Fire*. There, it is true, he again took up his role as a masculine enforcer. But in today's Hollywood, men intent on punishing evildoers (rather than seeking the "root causes" for their antisocial behavior) are not really respectable. Good policemen are out. Good FBI men are out. Good military men are out. The CIA is obviously out, as are the DEA, ATF, and even the NSA. (Somewhat implausibly, Robert Redford had cast members of the National Security Agency as covert-action villains in his vaguely comic *Sneakers*.) That left the Secret Service.

Here was the perfect role for the new Clint Eastwood. He could carry a gun, be strong and brave, but demonstrate his valor in a purely defensive role, protecting the life of the President of the United States. Yet even here there was a feminist twist. In the movie, Eastwood saves the President's life, but a female Secret Service officer, played by Rene Russo, saves Eastwood's life.

In the Line of Fire owes much to a spectacular performance by John Malkovich as the assassin determined to kill the President. Malkovich has been "taught to kill" by his former employer, the CIA (needless to say), and in the course of the plot Eastwood has a violent run-in with the CIA. He insults the CIA men gratuitously, sneering, "What are you up to now? Running coke for the *contras*? Running arms for Iran?"

A Perfect World begins in Texas with a prison breakout. Butch (Kevin Costner), doing 40 years for armed robbery, escapes and with another escaping convict takes prisoner a seven-year-old boy to hold as hostage. Now this might be thought a dastardly thing to do, but as we learn in the movie, Butch's mother was a prostitute in the New Orleans French Quarter, and he himself had a dreadful childhood, which turns out to explain everything. Butch and his partner kill a prison guard during their escape, and when the partner behaves in an odious way, Butch has to kill him, too. But Butch is still an amiable, even lovable person, and his tendency to kill people is obviously the result of the psychic wounds received in childhood.

Butch is particularly affectionate with children, and very protective of them, and he builds an emotional relationship of such depth with little Philip, his hostage, that soon Philip loves Butch more than he loves his mother. Butch gives Philip the opportunity to run off, but Philip will not do it. He cannot bear to leave Butch.

But then Philip, the boy, also comes from an abominable family. Philip's mother is a fundamentalist, a very strict Jehovah's Witness. The story begins on Halloween, and she will not even allow Philip to go trick-or-treating. She also does not allow him to eat cotton candy, ride on roller coasters, or do anything else that makes life worth living. In contrast, Butch, our escaped convict, strongly supports trick-or-treating on Halloween, roller coasters, and cotton candy.

Out to capture Butch are a team of law-enforcement officers, some of whom play an important pedagogical role. There is, for example, a cold, murderous FBI man. The movie is set in Texas in 1963—for atmosphere, two weeks before John F. Kennedy's assassination—so our FBI man's vicious character is plainly to be laid at the door of J. Edgar Hoover. Also on the law-enforcement team is Laura Dern, who plays a psychological consultant to the Texas Rangers, and is sexually harassed by the FBI man. (She harasses him back, and later knees him in the groin.) Clint Eastwood himself plays the head of the Texas Rangers. Like the FBI man, he, too, is a male chauvinist pig, and very insulting to Laura Dern—at least in the beginning. But it seems he has a learner's permit in political correctness; the audience is supposed to identify with Eastwood and, as he grows and changes, to grow and change along with him.

And so the film, with its multiple lessons to teach, unfolds at an excruciatingly slow pace, with lame dialogue and little action. At the end Butch is run to ground, shot dead (in contravention of Eastwood's orders) by the malignant FBI man, and a grief-stricken Philip is returned to his mother.

This is the movie that has sent the critics into ecstasies. But audiences are a different story. The American people, as it happens, have been giving *A Perfect World* the death of a thousand cuts. It opened coast-to-coast in 2,000 movie houses, and in its first week took in over $13 million. But in the weeks immediately following, despite delirious reviews everywhere and massive advertising, the total box office fell rapidly to $7 million, then $4 million, then to somewhere between $2 million and $1 million. For a big-budget movie with two of Hollywood's top stars to lose some 90 percent of its audience in a mere three weeks is an achievement.

"Just about everyone in Hollywood was convinced that the film *A Perfect World* would emerge a

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winner. How could it miss?" So opened a news story in the *New York Times* chronicling the fiasco at the box office. After the fact, of course, just about everyone in Hollywood had a perfectly clear explanation of why *A Perfect World* was bound to miss. Audiences were expecting an "action" movie. Child abduction is a delicate subject. The stars were not available for promotion. The movie marketplace is too competitive. And, my own favorite, *A Perfect World* mixes discordant genres, being a cross between a "think" movie and a "no-brainer."

I have yet to encounter an explanation of this movie's failure which suggests there was something about the story that audiences actively disliked, or which takes note of the transformation that has occurred in Clint Eastwood.

In a recent op-ed article in the *Wall Street Journal*, the British historian Paul Johnson wrote that democracy is skidding in the United States (and Britain) because the government is failing to maintain internal order. The American people, he wrote, do not want to "understand" criminals. They are not even much interested in reforming them. They want to see them punished as severely and cheaply as possible, and they want habitual and violent criminals to be taken out of society altogether, preferably for good.

But this conviction runs up against the much more liberal attitudes of people in the judiciary and certain other branches of government, attitudes that are also strong in the media elite. Although, wrote Johnson, liberal solutions to crime have been tested to a fare-thee-well and have "failed everywhere, overwhelmingly and manifestly," in these circles they are still adhered to as "a religion, an article of faith, born of conviction and not susceptible to proof or disproof."

It would be hard to name a big-budget Hollywood movie which illustrates the shrinking back from punishment more clearly than *A Perfect World*, or a more startling example than Clint Eastwood of a public figure suddenly abandoning the moral values of the populace for those of the liberal elite.

My impression is that the American public could probably forgive Eastwood his feminism—an increasingly prominent part of his work—and might even forgive his desultory attacks on the CIA, the FBI, and fundamentalist religion. But going soft on the punishment of evildoers robs him of his very identity.

If not the sword of the Lord, the old Clint Eastwood was the Lord's six-shooter. As in the New Testament parable of the prodigal son, Clint Eastwood's new friends—the critics and the Hollywood elite—are rejoicing for this sinner that doth repent. They have killed the fatted calf for him, and they do eat and make merry. But who will see his pictures?

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Books in Review

A Nation in Verse

AMERICAN POETRY: THE NINETEENTH CENTURY. Edited by JOHN HOLLANDER. VOLUME I: FRENEAU TO WHITMAN. *1,097 pp. $35.00.* VOLUME II: MELVILLE TO STICKNEY, AMERICAN INDIAN POETRY, FOLK SONGS AND SPIRITUALS. *1,050 pp. $35.00. Library of America.*

Reviewed by CAROL IANNONE

THIS must surely be the most comprehensive anthology of 19th-century American poetry ever published. It comprises over 1,000 poems by almost 150 poets, and it does everything a definitive edition should do, and then some. True to the mandate of the Library of America, the poet and critic John Hollander has sought to establish authoritative texts, and has also provided detailed chronologies, biographies, and notes, creating an anthology at once pleasurable and educational, of use both to the general reader and the scholar.

The two now indisputably world-class poets that this era produced, Walt Whitman and Emily Dickinson, are amply represented, of course, but so are those venerable, three-pronged names familiar from grade-school days: Henry Wadsworth Longfellow, William Cullen Bryant, John Greenleaf Whittier, James Russell Lowell, Ralph Waldo Emerson, and other poets who were left behind in the wake of modernism but who once formed the literary backbone of their time.

In addition, Hollander rescues from oblivion a huge number of neglected minor figures, black and white, male and female. Although a great deal of their work is far from first-rate (proving, among other things, that being a "white male" is no automatic ticket to the pantheon), it is arguable that they should have a place in an anthology of this kind. The 19th century was an era in which, in any case, poetry was not yet the exclusive property of duly designated "artists," much less of creative-writing departments—as we are reminded by the presence here of works by such public figures as Abraham Lincoln and John Quincy Adams and Oliver Wendell Holmes. Some entries, indeed, are instantly recognizable as works that have transcended or bypassed the category of "literature" altogether, to become part of the cultural fabric of the nation: "A Visit from St. Nick," "Casey at the Bat," "Battle Hymn of the Republic," "The New Colossus," "America the Beautiful," "The Man with the Hoe."

Writing in the *New York Review of Books*, the poet Brad Leithauser took these two volumes, with their large complement of minor and seriously dated verse, as proof that America's great age of poetry was to be the 20th century. It may, indeed, be true that the poetry of the American 19th century was aesthetically less accomplished than what followed it. But it was more accessible, and certainly more widely read. As others have noted, American poetry today is so rarefied an exercise that it has become mainly the province of academics, a handful of doggedly faithful readers, and poets themselves. And as for subject matter, with a few notable exceptions, poets today seem to be obsessed with the self. In these two volumes, by contrast, we get an expansive sense of a young nation defining itself—its landscape, its frontier, its political, historical, social, and spiritual concerns—in verse.

Moreover, despite the obviously dated quality of much of this poetry, there is still a great deal to appreciate and even admire in the often opulent use of language; the quaint, vigorous, noble, even heroic sentiments; the common sense and humor; the straightforward tone, blessedly free of irony; the commitment to rhyme and meter; above all, the trusting belief in the power of the word. Just as the spare acerbity of early modernism must have looked bracingly astringent to writers and readers grown weary of 19th-century rotundities, so today, after generations in which modernist acerbity has turned increasingly into a desiccated hermeticism, these relics of another age are deeply refreshing.

IN THAT spirit, it does not seem in any way incongruous that Hollander has also given us a large selection of 19th-century popular songs, ballads, and spirituals, many of them anonymous, and including such fixtures as "Red River Valley," "Shenandoah," and "John Henry." The Negro spirituals, in particular, which are at once a genuine expression of "black culture" and a legacy to the country as a whole, are amazingly familiar, a living part of our spiritual and historical consciousness. Among them are "Free at Last," quoted by Martin Luther King, Jr. in his March on Washington address in 1963; "Let My People Go," used memorably in the church scene in Preston Sturges's great film comedy, *Sullivan's Travels* (1942); "Swing Low, Sweet Chariot"; and "Michael Row the Boat Ashore."

Nevertheless, these popular works do inevitably raise a problem, and the problem becomes painfully blatant in Hollander's section on "American Indian Poetry," rendered in English-language versions as recorded and transcribed by various 19th-century observers. Clearly, by including all this material Hollander is making a gesture toward today's forces of "multiculturalism"; but in doing so he steps silently and treacherously over every relevant literary distinction, and in the case of the Ameri-

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can Indian material he pays a very steep price.

For in this material, mostly of a ritual nature, we are dealing not so much with poetry, and not even (as is the case with a number of 19th-century works) poetry with a religious cast or purpose, as with religion itself, and religion quite foreign to us at that. Indeed, as the scholar John Bierhorst writes in the introduction to his important anthology, *The Sacred Path*:

> Not surprisingly, the word "poetry," as it is understood in English today, has no precise equivalent in native American languages. What are thought of by outsiders as Indian "poems" are actually spells, prayers, or words to songs. Though often appreciated as beautiful, they are seldom recited purely for entertainment. Rather they are used for gaining control or for making things turn out right.

Although Hollander provides supplemental descriptive notes and includes "pictographs" (little drawings of the carved wood pieces that were often used to conduct chants), much of this material does not really come alive, let alone qualify as literature. To be sure, in some of the longer selections there is a great deal of expressive human feeling, and everywhere there are lines that are charming and/or informative about American Indian beliefs and attitudes. At the same time, however, there are too many out-of-context offerings like "Two Cherokee Songs of Friendship":

Song the first.
A friend you resemble.
Chorus: Yai, ne, noo, way. E, noo, way, ha.

Song the second.
Brothers, I think we are.
Chorus: Yai, ne, noo, way. E, noo, way, ha.

The observer's note here dryly informs us that "These consist of but one sentence each, with a chorus. Nothing of length seems to exist among them. They repeat the song and the chorus until they are tired."

Obviously it is a worthy thing to have books devoted to American Indian material, with information on context, purpose, vocabulary, language, etymology, mythology, ceremony, symbolism, names, places, and so forth. But to do what Hollander has done here, tacking on a section to a collection in which such material does not belong, and in a series (the Library of America) dedicated explicitly to "preserving the works of America's greatest writers," only makes matters worse. All we are given is a quick and often unintelligible dabble in the (recorded) words of a number of tribes and the rather cheap satisfaction, if that is what we are looking for, of feeling "multicultural." It is a bad bargain all around, and it compromises what is otherwise a very impressive achievement.

The Art of the Possible?

ON MODERN JEWISH POLITICS. By EZRA MENDELSOHN. *Oxford. 184 pp. $39.95; $14.95 (paper).*

Reviewed by RUTH R. WISSE

EZRA MENDELSOHN, who teaches at the Hebrew University of Jerusalem, approaches the study of modern Jewish history with sober intelligence. Although his writing is always informed—one might say, haunted—by the knowledge that in the end nothing worked for the Jews of Central and Eastern Europe, in his books and monographs Mendelsohn has clarified in nuanced detail the many initiatives and adaptive measures European Jews undertook on their own behalf prior to 1939, as well as the reasons for their failure. Now, in *On Modern Jewish Politics*, Mendelsohn moves from particular cases toward an overarching explanation of how modern Jews functioned politically in the period between the two world wars, not only in Europe but also in the United States.

The task of explanation is complicated, Mendelsohn shows, by the inutility of the usual terms of political typology: Right vs. Left,

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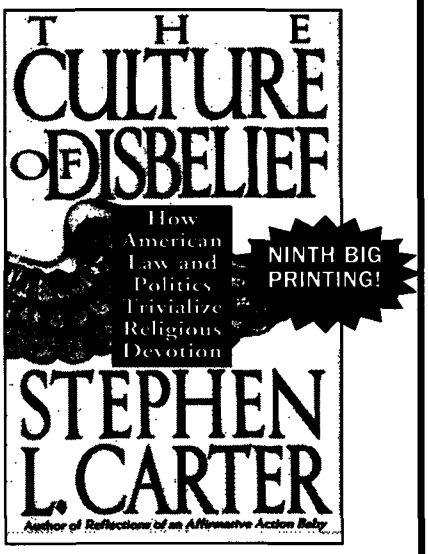
"THE WHITE HOUSE STAFF IS READING IT IN DROVES."



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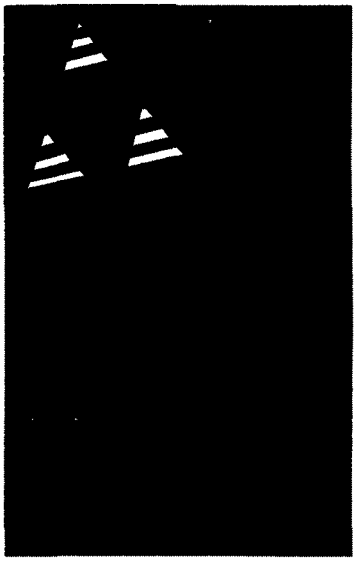

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secular vs. religious, nationalist vs. socialist, and so forth (not that such divisions did not exist in the Jewish community). Take the example of the Bund, an avowedly Marxist organization founded in 1897. Expelled by Lenin from the Communist International because of its insistence on such "chauvinistic" principles as the championship of Yiddish and Jewish national self-defense, the Bund enjoyed its only major success in the late 1930's, becoming the strongest Jewish political party in Poland by leading the struggle against anti-Semitism in that country.

How did that happen? According to Mendelsohn, although Zionism had dominated Jewish politics in Poland in the 1920's, it began to lose its appeal after large-scale relocation to Palestine proved impractical. Among the organizations that might have profited from Zionism's failures, the religious bloc was tainted by its former association with the Polish regime and insufficiently activist to match the urgency of the times, while others who championed political cooperation with Poles were obviously discredited out-of-hand by the growing anti-Jewish violence.

This left the Bund best placed to fill the resulting power vacuum. But if the political strength of the Bund came about through its defense of Jewish nationalism, what sense does it make to classify the Bund simply as a party of the Left?

RATHER than fitting the roiling actuality of Jewish politics into preexisting categories, Mendelsohn proposes a set of questions to locate political movements in terms of how they treated the crucial issues: where in Jewish history did they find their inspiration?; what political allies did they seek in the non-Jewish world?; what tactics did they favor?; to what degree were they optimistic or pessimistic about the future of Jews in the Diaspora?

He finds that responses fall into three main categories. These he names integrationist—the desire to become part of the majority society without being swallowed up by it; nationalist—the idea of the Jews as primarily a nation, without prejudice to their position as a religious group; and Orthodox—faithfulness to the religiously prescribed Jewish way of life. Once the platforms of vying camps are described in these terms, it becomes easier to tease out the internal logic of Jewish politics across geographic boundaries, and to recognize the relative success of one or another set of coordinates under any given circumstance.

Mendelsohn's comparison of Poland and the United States in the interwar period reveals a study in opposites. Jewish immigrants to America, wishing to take full advantage of the opportunity their new polity provided, quickly gravitated to the integrationist mode, joining the mainstream parties. Jewish socialism, meanwhile, doubly marginalized through its use of the Yiddish language and its emphasis on class conflict, lost appeal. By contrast, American Zionism grew stronger during this period, gradually breaking down the resistance of both the anti-Zionist Reform movement and integrationists like Louis Marshall. The reason was not simply that Jewish suffering in Europe spoke to the Jewish conscience, but that American Zionism, unlike the East European variety, demanded neither Jewish settlement in Palestine nor the "nationalization" of American Jewry.

In Poland, by contrast, growing right-wing extremism and the anti-Semitic cast of Polish nationalism left the Jews little choice but to organize their counterpolitics as Jewish nationalists. Furthermore, while Jewish politics in America followed the local trend of drifting toward the Center, Jewish politics in Poland was dramatically divided, mirroring the sharp divisions in Polish politics at large.

Repeatedly throughout this book Mendelsohn emphasizes the witticism of Heinrich Heine: "As the Gentiles go, so go the Jews." This is another way of saying that, like politics in general, Jewish politics, too, is best understood as the art of the possible. Being a dependent minority, Jews invariably adapted their politics to local conditions, and everywhere those parties fared best that answered the perceived dangers and opportunities of the moment.

THE value of such an approach goes far beyond the insight it offers into past history. Turning to the contemporary scene, and following Mendelsohn's thesis that Jewish politics will always adapt to its surroundings, one is tempted to predict an ever-widening gap between Jewish priorities in Israel and those in Diaspora communities. Israel's development as a nation-state among anti-liberal and still powerfully autocratic countries has already generated a very different set of political priorities from those, say, of American Jews, whose integrationism seems to be resulting in a progressive loss of national consciousness. Russia, on the other hand, falling back into the nationalist politics of prerevolutionary times, may soon regenerate a self-conscious Jewish minority seeking not only increased cultural identification and modes of religious worship but political parties, too, as in bygone days.

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Mendelsohn himself, it is interesting to note, does not see things quite this way. In fact, he ends his book with an appreciation of the "much simpler" state of today's Jewish politics, brought about, as he views it, by the triumph of Zionism:

> The cosmopolitan, culturally and religiously divided Jewish people is united today in support of the Hebrew-speaking Jewish nation-state where an ever-growing number of Jews actually lives, and where many more visit in order to gain inspiration. Who would have believed this possible in 1918?

The relief expressed here is so genuine and hard-won that one is loath to counter its cheerfulness. But the relief comes at the expense of a missing part of the analysis, which has to do with the one area—the dynamics of anti-Semitism—in which Jewish politics does not, and cannot, go "as the Gentiles go."

As an ideology, anti-Semitism asks of its adherents not only "what are you for?" but the much more potent political question, "whom are you against?" In its extreme form, it not only fixates on the Jews as the explanation for all that is politically amiss, but demands their elimination. How—by what political means adapted from Gentile models—are Jews to counter *that*?

UNLIKE Christians and Muslims, Jews have never defined themselves or their historical mission in opposition to any particular people; even the ancient idea of Jewish chosenness resulted in a culture of such punishing self-discipline that it discouraged many (including many Jews) from wanting to join forces with the "chosen people." Whether or not one wishes to take the idea of Jewish "uniqueness," or particularism, into account in any analysis of Jewish politics, one cannot ignore the political ideology that has singled *them* out for aggression.

Of course, Mendelsohn hardly overlooks the effects of anti-Semitism on the Jews of Europe, but he does not factor those effects into his analysis of how Jewish politics works, and specifically the way in which they distort and severely limit Jewish options. The omission affects his reading of the contemporary scene in both America and Israel. For example, his brief and enlightening historical comparison of the politics of American Jews and blacks does not explain how it is that the latter, like so many abused and disaffected minorities before them, have been able to develop a politics of blaming the Jews that provides a relatively safe (and politically useful) outlet for aggression, and how this development then complicates the normal expression of Jewish political interests.

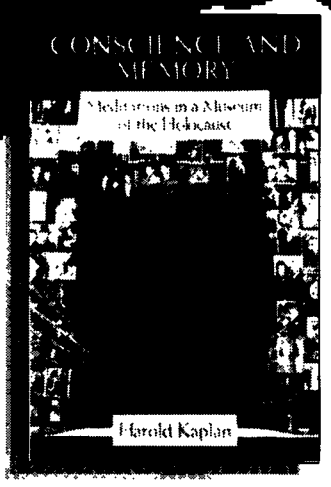
In the same way, Mendelsohn's reading of Israel's options does not take into account the pressure of extended siege by encircling Arab peoples who define their nationalism and organize their unity around opposition to the Jews. The uncommon triumph of Jewish politics in having established the state of Israel does not yet mean that Zionism has succeeded in achieving the second part of its project—the establishment of unexceptional relations between Jews and their neighbors.

EZRA MENDELSOHN's dissection of modern Jewish politics is immensely informative and clear, and it is enriched with abundant supportive examples from the spheres of literature, art, and music. Although political history is one of the most developed areas in the study of other European peoples, only lately has Jewish political behavior begun to be analyzed in analogous terms, and in this field Mendelsohn is one of a small number of pioneering scholars. One might only wish that, having done so much to explain the "normal" workings of Jewish politics, he had enlarged his focus to discuss the ways in which it remains, perforce and unfortunately, unique.

HAROLD KAPLAN

CONSCIENCE AND MEMORY

Meditations in a Museum of the Holocaust



The opening of the Holocaust museum sparked a debate that reflects a larger debate over the Holocaust's "meaning," its translatability for ordinary understanding. The museum itself, according to Kaplan, has become an impressive memorial to humanism crossing cultural and political barriers, instructing the collective memory of this democracy and that of nations everywhere which aspire to civil existence.

"*Conscience and Memory* is informed by a long-meditated piety. It has a quiet nobility about it. One has the sense reading this of a good man reflecting amidst the company of other good men: Jean Améry, Primo Levi, Elias Canetti. It is a most compelling work."—Mark Krupnick, author of *Lionel Trilling and the Fate of Cultural Criticism.*

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TENSION BETWEEN OPPOSITES: REFLECTIONS ON THE PRACTICE AND THEORY OF POLITICS. By PAUL H. NITZE. *Scribner's. 212 pp. $22.00.*

Reviewed by PATRICK GLYNN

PAUL NITZE's latest book, *Tension Between Opposites*, provides a fascinating glimpse into the character, and inner growth, of one of our most extraordinary and distinguished public servants, a man whose life critically affected—indeed, almost embodied—the history of the cold-war era. Designed to distill the lessons of a long and extremely active life, *Tension Between Opposites* briefly sets forth some theoretical observations about politics and then applies them to the characters and decisions of famous men Nitze has known. But what is most interesting about the book is what it reveals about Nitze himself.

The résumé of Nitze's public achievements is nothing short of remarkable. In 1945, he supervised the Pacific branch of the Strategic Bombing Survey, which made the first systematic study of the effects of the atomic bomb. A key adviser to President Truman and Secretary of State Dean Acheson by 1950, he was the principal author of NSC-68, often considered the master document of American cold-war strategy. In 1962, he participated in the Cuban-missile-crisis deliberations with President Kennedy. Later he served as Secretary of the Navy. A member of the SALT I negotiating team in the early 1970's, he helped shape the key provisions of the 1972 ABM treaty. In the mid- to late 1970's, disillusioned with Presidents Nixon and Carter, he became a leading critic of SALT II and, as a founder of the Committee on the Present Danger, may have been more responsible than anyone for that treaty's virtual defeat. Under President Reagan, he was chief negotiator at the crucial Intermediate-Range Nuclear Force (INF) talks and later played a key role in the dramatic 1987 Reykjavik summit.

In between, Nitze somehow found time to be a movie mogul (he once controlled, with his brother-in-law, the largest bloc of shares in Twentieth Century-Fox), to co-create and develop the Aspen ski resort (with its famous institute), and to co-found what later became Johns Hopkins University's School of Advanced International Studies—which, with millions gained shrewdly in business, he has handsomely endowed.

FEW men have more richly lived the history of their era, contributing significantly to so many major realms of human pursuit: finance, government, military affairs, diplomacy, education, culture, sport, and even (briefly) show business.

Yet to all perhaps but his closest associates and friends, Nitze has always remained something of an enigma. Two big questions have loomed over his career: the first concerns his failure to attain a cabinet post as Secretary of Defense or State (he was eminently qualified for both jobs); the second concerns the real nature of his political allegiances. Both Democrats and Republicans have at different times regarded Nitze as an ally and an adversary. He has belonged to both parties and served in both Democratic and Republican administrations.

Nitze is conscious of the first question and uses the second to answer it. "In business," he writes, "I found it difficult to put the interests of my firm ahead of all other interests as a true team player was expected to do. In government, I found it hard to be wholly loyal to the principles of either the Democratic party or of the Republican party. I, therefore, never achieved appointment to the highest political offices."

There were other factors, too, of course: a certain lack of showmanship, a serviceable but unspectacular command of rhetoric (as the present volume attests), and perhaps the absence of a politician's instinct for intuiting and connecting with the popular will. A patrician to the bone, Nitze made his place among the nation's elite, always the insider, at ease in the highest reaches of influence and power. His list of mentors and close colleagues—for example, James Forrestal, George C. Marshall, Dean Acheson, George F. Kennan (each of whom earns an appreciative chapter in this volume)—reads like a Who's Who of the cold war.

But what is most fascinating is the degree of inwardness that this book shows to have been present in a quintessentially public man. Even more than his 1989 memoirs, *From Hiroshima to Glasnost*, or Strobe Talbott's 1988 biography, *The Master of the Game*, this brief volume gives us a real glimpse of the inner Nitze.

IT IS interesting to learn, for example, that this paragon of public success began life as a thoughtful introvert. "As a boy I was excessively shy, awkward, lacking in self-confidence," Nitze writes. "I lived in a world of ideas, which tended to separate me from my classmates."

The preoccupation with ideas never went away, even amid the stress and glamor of high-profile international diplomacy. Paralleling Nitze's tireless strivings in business and government, as this book makes clear, was an inner quest for wisdom and wholeness, a powerful commitment to what used to be called "humanism," modeled on the Greek ideal. A man of rich culture and wide reading, Nitze attempted to remain conversant with what Matthew Arnold called "the best that is known and thought in the world," poring over abstruse philosophical texts, conversing at every opportunity with learned men, gradually evolving his own theory of politics and even his own philosophy of life, which he sketches here.

At the core of this philosophy is the notion of the "tension between opposites." As a reflective man of action, Nitze seems to have attained early on a dialectical under-

PATRICK GLYNN, *a resident scholar at the American Enterprise Institute, is the author of* Closing Pandora's Box: Arms Races, Arms Control, and the History of the Cold War. *From 1986 to 1987, he served in the Reagan administration at the Arms Control and Disarmament Agency.*

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standing of human conflict, recognizing that one-sided approaches to human problems frequently miss the mark. Hence his stress on finding solutions in the "harmony" and "tension" between "opposites"—whether one speaks of opposing sides of an argument, or opposing sides of the human spirit—a concept he borrows and adapts from the Greek philosopher Heraclitus. Behind Nitze's theory one can also sense something of the man of action's distrust of simple absolutes, stemming from the constant awareness that if you have to make decisions, you will always make some mistakes.

Dissatisfied with modern political science—which, he claims with some justification, offers little insight of value to real political actors—he also developed his own four-part method of political analysis, based on the notions of "political structure," "value system," "situation," and "point of view."

At first blush, this method of analysis seems a bit abstract for general application—though it certainly served Nitze very well. More obviously compelling are his reflections on ethics—nurtured, as he tells us, in long conversations with the famous American Jesuit priest, John Courtney Murray, whom he remembers as "my wisest and most profound adviser." At an early stage, we learn, Nitze integrated ethical principles explicitly into his theory and practice of statecraft; moreover, by all appearances, he lived them—a fact which may indeed unlock some of the mysteries of his career.

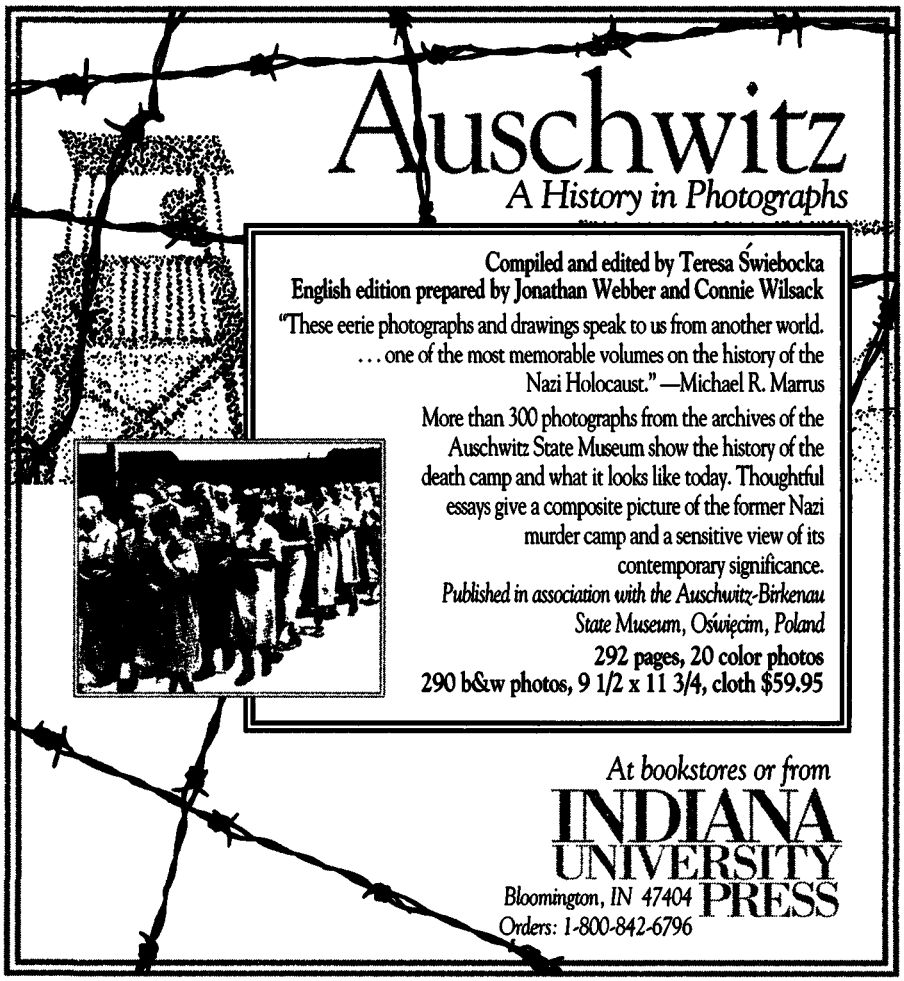
During the 1980's, for example, when many American conservatives were inclined to regard arms negotiations with the Soviet Union as a Machiavellian sham, Nitze seems to have been constitutionally incapable of doing so (in this he proved closer to his boss Ronald Reagan than were many of Reagan's own political supporters). One might say Nitze had too much integrity, personal and intellectual, to take any but a basically honest approach with an interlocutor or any but a constructive approach to the problem at hand.

Not that he lacked tough-mindedness: on the contrary, few in the U.S. government were more schooled than Nitze in the technical details of nuclear war-fighting; few were more cynical about the nature of Soviet aims. Nonetheless, the ethical tenor of his outlook disallowed a purely cynical view of nuclear arms control itself. Even his devastating criticisms of SALT II were based not on hostility to arms control, but on the failure of the treaty to live up to what he regarded as legitimate arms-control standards.

As a negotiator, Nitze plainly saw the evils of the Soviet system but sought to work around them, establishing strong personal connections with his Soviet counterparts—Alexander Shchukin during SALT I, Yuli Kvitsinsky during the INF talks—broadening their conversations to include music, art, science, and philosophy, and using this human rapport, in turn, to try to craft common solutions, to achieve a measure of harmony amid tension and opposition. One might agree or disagree with the outcome, but this was clearly a man seeking, intelligently, to do the very best he could.

HISTORIANS will appreciate the series of chapters filling the second half of this book in which Nitze offers short, first-hand sketches of famous men. Though these portraits sometimes lack color and literary flair, what he seeks to expose in each life is some virtue to emulate (or faults to avoid). In the end, the strengths he finds in his "heroes"—Forrestal's iron will; Acheson's elegance, professionalism, and courage; Marshall's principled patriotism; George Shultz's loyalty and humaneness—seem to reflect the character he himself has striven to form.

That Nitze maintained such a solid reputation in Washington through so many decades—which included four virtual "firings" from government, and three resignations on principle—probably has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much to do with the virtues he strove to develop and maintain as a human being. Nor does it seem surprising that at the end of a long and luminous career, what loom largest for him are not Washington's transient preoccupations with honor and office, but just these deep questions of character and ethics.

Doing His Duty

JUSTICE OLIVER WENDELL HOLMES: LAW AND THE INNER SELF. By G. EDWARD WHITE. *Oxford. 628 pp. $37.50.*

Reviewed by DANIEL J. SILVER

OLIVER WENDELL HOLMES is customarily called America's greatest jurist, but outside of the legal profession few today can be aware of his influence. With his piercing eyes and imposing handlebar mustache, he gazes out at us from photographs as the embodiment of an alien, 19th-century ethos: a kind of Rough Rider in robes. Yet when Holmes died in 1935, just shy of his ninety-fourth birthday, he had already helped to launch the biggest revolution in legal thinking since John Marshall made the Supreme Court into the definitive arbiter of the Constitution's meaning. The effects of Holmes's revolution, moreover, are still very much with us.

More forcefully than any other jurist of his time, Holmes argued that judges could no longer afford to bury themselves in ancient treatises, pretending that the law followed an autonomous logic conceived in an abstract realm beyond social existence; instead, the law must acknowledge its subordination to political institutions, which were themselves influenced by powerful social forces that judges could not ignore.

This claim was inspiring to "progressive" movements in legal thinking which were trying to make the law more responsive to the forces of social change, and which in turn helped to justify the transformation of the Supreme Court (to the horror of Holmes's conservative judicial brethren) into an often-willing accomplice of social-welfare legislation.

Today, the whole issue of law as a social instrument has been opened anew for debate. In the wake of the continued burgeoning of the welfare state—eclipsing anything dreamed of by Depression-era progressives—and what many see as the pernicious social activism of the Warren and Burger Courts, there is a pervasive wariness among all but the die-hard Left about judges legislating from the bench. Since Holmes, intentionally or not, helped to seed the intellectual rationale for judicial activism, the time is ripe for a critical reassessment of his jurisprudence.

G. Edward White is a noted legal historian and the author of acclaimed studies of Earl Warren and John Marshall, and his latest work is the first book-length treatment in decades to attempt a comprehensive analysis of Holmes's evolving legal thought. In it, White offers a judicious, if grudging, account of Holmes the man, and a diligent overview of his ideas. Unfortunately, however, the book is also marred by self-consciously clever academic criticisms of Holmes's views and by an apparent hostility to Holmes's character; it also ultimately fails to reckon with the issue of what remains viable in Holmes's approach to law.

WHITE's study is particularly useful in showing how the course taken by the Supreme Court in the last decades in fact diverges radically from Holmes's intentions. For Holmes, far from being an advocate of judicial activism, actually believed that the role of courts was very limited.

According to Holmes, a judge's function was simply to give effect to the will of those in power, who promulgated the law. He argued—*contra* the "natural-law" tradition which grounds legal obligation in higher moral authority, such as religious sanction or "transcendental reason"—that there was no "brooding omnipresence in the sky" (as he put it) from which judges could draw legal rules. As a necessary conclusion, Holmes felt that judges were bound to follow lawful authority even where they did not like the laws or thought them immoral.

This notion—that the source of legal obligation is political sovereignty—is known as legal "positivism," and one of White's major themes is the central role played by positivism in Holmes's theories and judicial opinions.

For the young progressives of the 1920's, like Felix Frankfurter, Holmes's deference to legislatures seemed to offer encouragement to their own efforts at fostering social and economic "experiments" through state initiatives. Similarly, Holmes's celebrated dissents in several freedom-of-speech cases (involving the convictions of assorted radicals for "seditious" pamphleteering) cemented his reputation as an apparent advocate of liberal causes. In truth, however, as White persuasively argues, the progressives misunderstood Holmes's iconoclasm, mistaking his polemic against judicial arrogance for a sympathetic paean to social change. In fact, Holmes was uniformly skeptical about the value of the progressives' social programs, and evinced a mandarin disdain for their redistributive intent.

White attributes Holmes's jaundiced view of social reform to an underlying pessimism about human nature. This may well be right. Unfortunately, however, in affixing labels on Holmes's positions, White too often resorts to a potted history of ideas. Take, for example, Holmes's dissent in a labor case he heard during his tenure on Massachusetts's highest court. Although he felt inclined to let unions pursue their cause unhindered by judicial obstacles, Holmes was unimpressed by union aims:

> While I think the strike a lawful instrument in the universal struggle of life, I think it pure phantasy to suppose that there is a body of capital of which labor as a whole secures a larger share by that means. . . . Organization and strikes may get a larger share for the members of the organization, but if they do,

DANIEL J. SILVER *is an attorney in Washington, D.C.*

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> they get it at the expense of the less organized and less powerful portion of the laboring mass. They do not create something out of nothing. . . .

Though lacking in Keynesian nuance, Holmes's claim that gains for labor unions can come at the expense of other workers is not far-fetched. Yet White in his gloss on this passage condescendingly treats Holmes's reasoning as if it were the ruminations of a crackpot reactionary: "In this paragraph one gets a glimpse of the distinctive combination of social Darwinism and Malthusianism that characterized Holmes as a political economist. . . ."

The reference to Malthus is especially curious, since (as White shows later) Holmes could not have read Malthus until a number of years after this dissenting opinion. But the main point is that, White's stigmatizing and anachronistic label notwithstanding, in his labor opinions as elsewhere Holmes was being true to his positivist vision and manifesting his great integrity as a judge. Though he considered the cause of labor ultimately futile, and misguided as a path to human improvement, he would not stand in the way of this powerful social current.

WHITE's carping style, intended to debunk retrospective idealizations of Holmes as a liberal, pervades his descriptions of Holmes's judicial career. To take another example: more often than not, Holmes allowed his positivist views of legislative deference to defeat compelling civil-rights claims of Southern blacks; but White unfairly attacks Holmes even when he *favored* such claims. Rarely does White make any searching comparisons of Holmes's assumptions with those of his fellow judges and other contemporaries—except where, by today's lights, he can be compared unfavorably. In describing Holmes's intellectual motives in various episodes, White may offer several possible interpretations, but he always prefers the least charitable.

The bias extends beyond Holmes's thinking to encompass his style and even, in the end, his person. Summing up Holmes's career as a judge, White concedes his intellectual daring, his epigrammatic wit, his unalloyed pleasure in judging, and his astonishing stamina—Holmes worked rapidly and tirelessly until he was forced off the Court at the age of ninety, when he had become too frail to manage the daily routine. Yet White manages to turn even these virtues into vices. Thus, Holmes's intellectual daring becomes arrogant solipsism, signaling contempt for a collegial profession; his wit is turned into a perverse self-indulgence; his delight in dispatching cases, a cold rush to judgment; his indefatigable sense of duty, a masquerade of self-deception as Holmes (in White's reading) tried by means of the daily grind to hide an essential void within.

As a person, White concludes, Holmes was essentially a loner:

> It is one of the ironies of Holmes's career that although he cared so much for recognition, and although so many persons, over the years, have made an investment in his ideas or his work or his life, he gave so little of himself to the persons around him, even those whom he loved.

This is a chilling misprision of a life rich in friendships which occasioned some of the very materials—drawn from a fascinating, voluminous correspondence—on which White has been able to construct his misleading portrait.

White finds Holmes's austerity not only unappealing but even, it seems, incomprehensible. Tellingly, he remains unmoved by Holmes's altogether well-earned image as a Civil War hero. It is not that he blames Holmes—dragged through the mud and blood of three brutal campaigns, shot three times, and finally disillusioned—for "mustering out" of the service before war's end. Rather, he cannot quite forgive him for at once rendering in his later writings a harrowing picture of battle and then going on to extol the beauty of great causes and the sense of pride at doing one's duty.

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For White, these are all empty terms, somehow belied by Holmes's actual experience. But here once again he misses Holmes's essential integrity, and, in this case, the analogy between Holmes's positivist vision of the role of the judge and the soldier's sense of duty. Though neither religious nor spiritual in a conventional sense, Holmes nonetheless held on to a faith in the propriety of his mission—despite personal doubts, pessimism, and even disillusionment. In this way, he was a 19th-century figure after all, a Victorian gentleman the likes of whom we will probably never see again.

A Messy Business

HOW WE DIE: REFLECTIONS ON LIFE'S FINAL CHAPTER. By SHERWIN B. NULAND. *Knopf. 278 pp. $24.00.*

Reviewed by JOSEPH ADELSON

ON BEGINNING to read this book, I found myself thinking almost obsessively of not very funny doctor jokes, of the good news/bad news variety. Doctor: "I have bad news and good news." Patient: "Tell me the bad news first." Doctor: "You have terminal cancer." Patient: "What's the good news?" Doctor: "See that nurse down the hall? I'm making it with her."

Shortly thereafter, the book disappeared. I searched for it frantically, to no avail. Then quite as suddenly it reappeared. It had been in plain sight and I had not seen it. (Interestingly enough, at the time of its disappearance I was reading the chapter on Alzheimer's.) It was only then that I recognized what now seems obvious, that the book had evoked some characteristic defenses, first that manic streak which makes light of the dark, and when that failed, stark simple denial.

This book can do that to you. As its author, a professor of surgery at Yale, tells us, "dying is a messy business." Even fairly sudden deaths will seem messy when described graphically enough. In the first chapter, Nuland writes of his own rite of passage as a third-year medical student, when "it was my unsettling luck to encounter death and my very first patient at the same hour."

The patient was a fifty-two-year-old executive, hard-driving and high-living, who had had an infarction which was seemingly stabilized. Young Nuland was asked to help out at a busy time at the hospital with a simple admissions workup. He was eager to do so. He entered the room, introduced himself, and then the following event took place:

> As I sat down at his bedside he suddenly threw his head back and bellowed out a wordless roar that seemed to rise up out of his throat from somewhere deep within his stricken heart. He hit his balled fists with startling force up against the front of his chest in a single synchronous thump, just as his face and neck, in the flash of an instant, turned swollen and purple. His eyes seemed to have pushed themselves forward in one bulging thrust, as though they were trying to leap out of his head. He took one immensely long, gurgling breath, and died.

Many of the descriptions of death and dying presented here have the same shocking clarity, whether the demise is sudden, as in this case, or painfully drawn out over many years.

Nuland's intention is not to frighten us or to appeal to a sort of mortuary prurience. He feels, rather, that the contemporary attitude to death is compounded of illusions, denials, and deceptions, so much so that we are unable to deal with it effectively. And so we are to take the book's title seriously. Nuland tells us, lucidly and precisely, just how we die, the mechanics and the dynamics. In particular, he takes us through the more common paths to death: heart disease; stroke; Alzheimer's; the traumas of homicide, suicide, and accidents; AIDS; the cancers. He chooses these because they are common but also because

> they are representative of certain universal processes that we will all experience as we are dying. The stoppage of circulation, the inadequate transport of oxygen to tissues, the flickering out of brain function, the failure of organs. . . .

THE point of view of *How We Die* takes some getting used to. When we pick up a book on modern medicine addressed to the general reader, we expect to read about breakthroughs and miraculous discoveries, medical triumphalism. Nuland does not quite ignore these: we learn, for example, about the steady advances in the last half-century in the survival rates for cancer. But the emphasis is on limits, when and where and how and why our most zealous efforts are defeated by the inexorable powers of death.

This is an unusual book in other ways as well. Nuland is one of those rare physicians who knows a great deal about a great deal, not only medicine but also its history and, beyond that, literature and the humanities. The very first person mentioned is the 18th-century English novelist Laurence Sterne, followed soon thereafter by the Jacobean dramatist John Webster and the 20th-century German poet Rainer Maria Rilke. In a single page in the chapter on old age we learn about Chi Po's *The Yellow Emperor's Classic of Internal Medicine*, the oldest extant medical book, written 3,500 years ago; then the biblical book of Ecclesiastes; then Homer; and then the correspondence between Thomas Jefferson and John Adams at the end of their lives. It is not a gratuitous display of erudition. Nuland discusses these and other writers in the course of a fascinating analysis of the mechanisms of aging, where we find (as elsewhere) a deep opposition between an environmental theory, wherein extrinsic events within and without the organism wear it down, and a genetic theory holding that aging and death are essentially preordained from the beginning, as in the unrolling of a tape.

JOSEPH ADELSON *is professor of psychology at the Univesity of Michigan and the author of* Inventing Adolescence, *among other books.*

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What I have not conveyed is Nuland's gift for keeping us close to his own experience, in what he tells us of family, friends, and patients who became friends. It is autobiography of a strange and special kind. He was raised in the South Bronx, during the Great Depression, in a working-class Jewish family, three generations living in a small four-bedroom flat—a widowed grandmother, his parents, a maiden aunt, and two sons. His father and aunt worked in Manhattan's garment district. His mother died of colon cancer, an event which shaped the rest of his life. His grandmother was seventy-eight when he was born, and after his mother's death, "without realizing it, I spent my first eighteen years watching her descent into death." The book movingly and unflinchingly describes that descent.

THE most affecting family narrative concerns Nuland's older brother, Harvey, who died at sixty-two from the same form of cancer that had earlier taken their mother. Nuland was aware almost immediately that the malignancy was too advanced to be treated successfully. It is his strong conviction that, in such circumstances, the patient should be dealt with honestly. Many a physician, however, will not or cannot do so:

> Rather than seeking ways to help his patients face the reality that life must soon come to an end, he indulges a very sick person and himself in a form of medical "do something" to deny the hovering presence of death. This is one of the ways in which his profession manifests the entire society's current refusal to admit the existence of death's power, and perhaps even death itself.

Yet even Nuland, faced with his brother's dying, did exactly what he had warned others against. To tell the truth, he writes, would have been to "'take away his only hope.'" He and Harvey entered into a minuet of mutual deception and self-deception:

> In trying to do the right thing for Harvey, I became what he wanted me to be, and in so doing fulfilled both his fantasy of me and my own: the smart kid brother who had gone to medical school and grown up to be the all-knowing and quite omnipotent medical seer. . . . I would marshal the forces of cutting-edge medicine and rescue him from the brink of death. . . . Had I been wiser, . . . I might have understood that my way of giving Harvey the hope he asked for was not only a deception but, given what we knew about the toxicity of the experimental drugs, an almost certain source of added anguish for all of us.

It was in fact to become a horror. Harvey Nuland underwent several desperate efforts at miracle cures which caused immense suffering, with little apparent gain in longevity. In these grim pages we learn some bitter truths. Even being the brother of an eminent physician may not protect you from the indignities that can attend dying in the modern era—from understaffed hospitals and assembly-line treatment, and even more from specialist physicians whose interest is in the disease rather than the patient, often a coded number in a research protocol. And when the doctor's magic does not work, his narcissism and sense of control may be so damaged that, unwittingly, he may withdraw, psychologically and even physically, leaving the patient marooned.

At the end of this book, Nuland turns from the clinical to the moral and spiritual. Much as we may hope otherwise, few of us will die painlessly or in serenity. In some respects contemporary medicine has, paradoxically, made matters worse. In becoming the art of saving life, it has lost the art of managing death. But as Nuland writes, and as earlier generations understood, death is in any case not the proper province of medicine: "Death belongs to the dying and those who love them."

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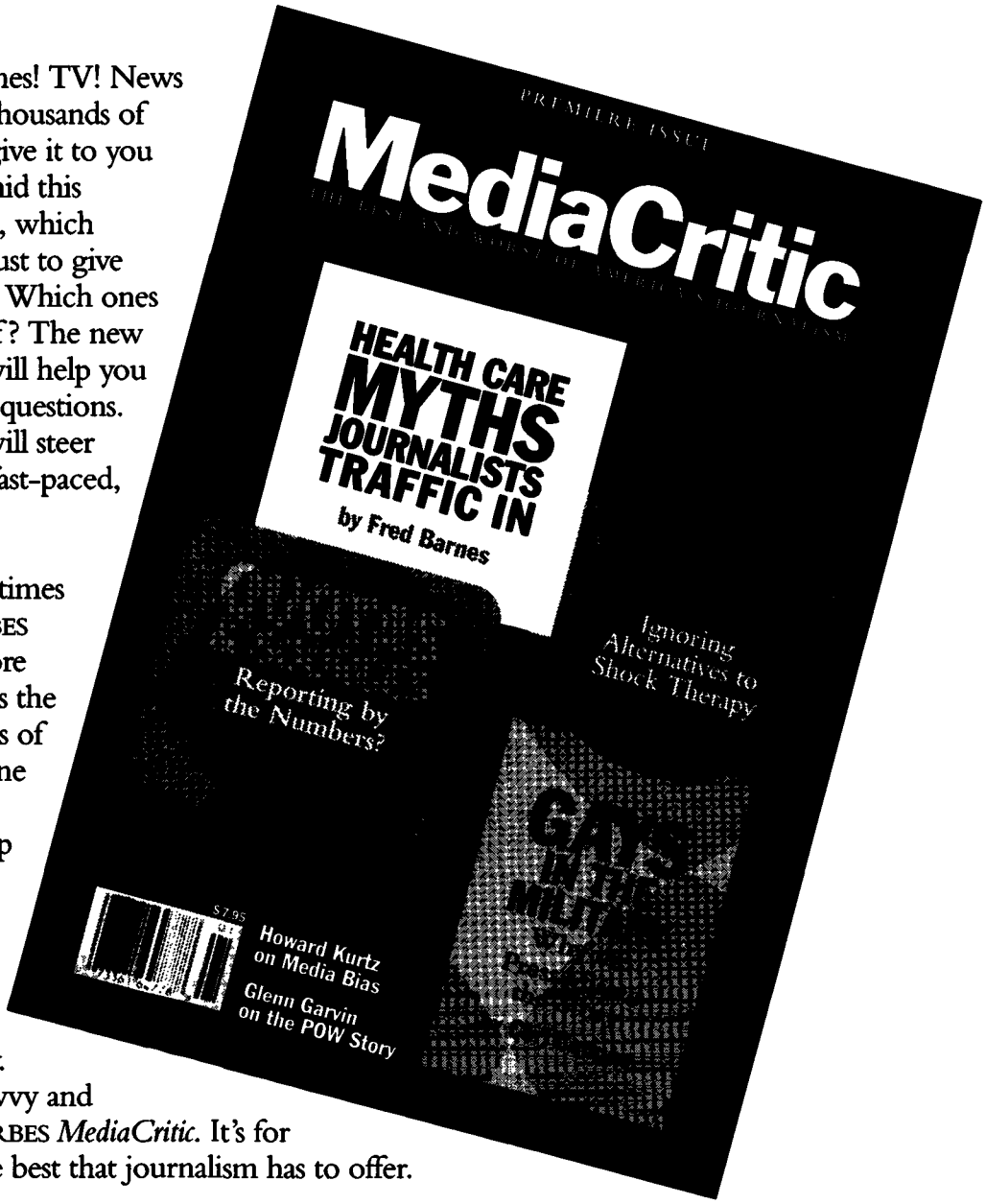

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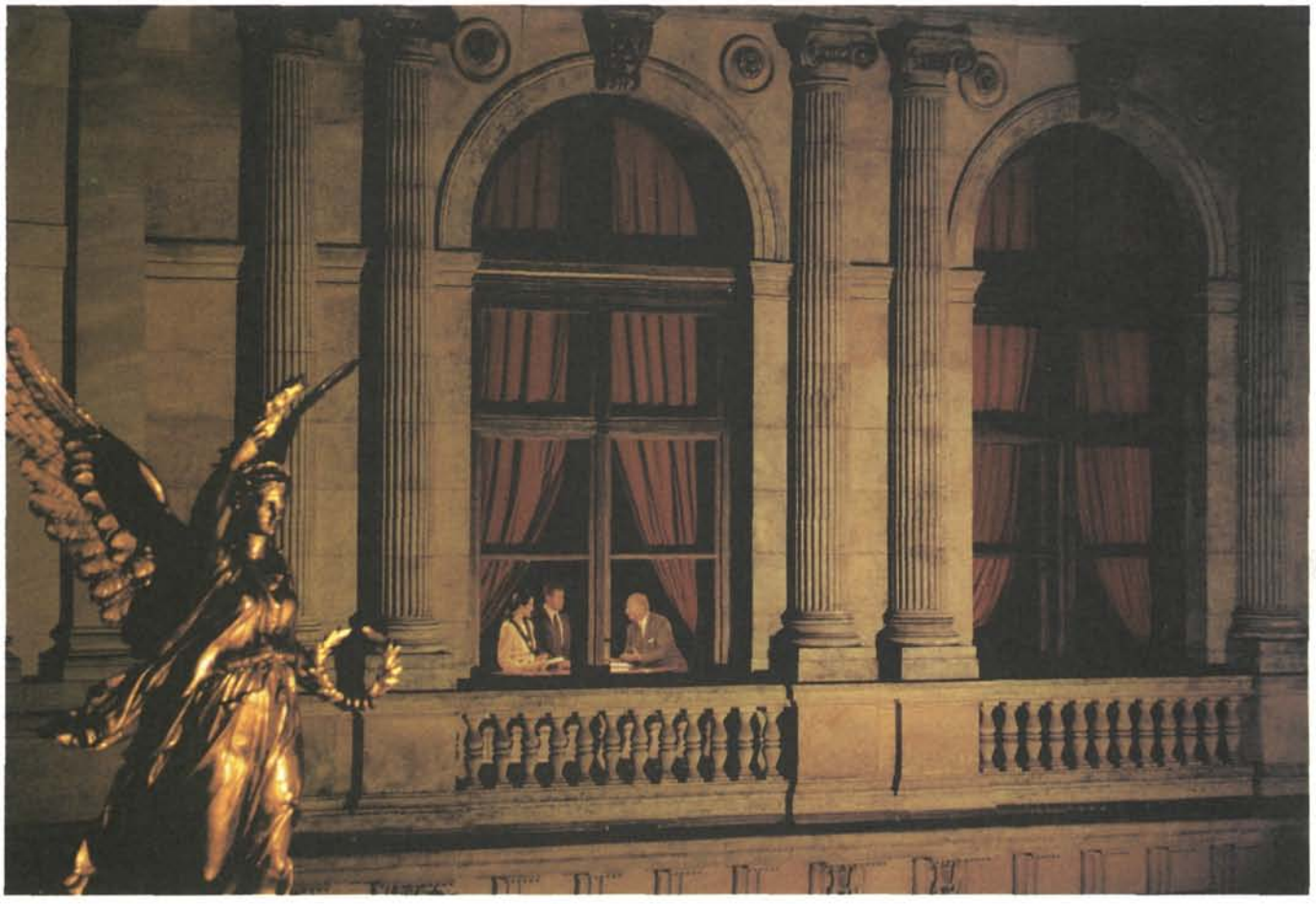

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